

**RICHLAND COUNTY PLANNING COMMISSION**

April 4, 2005

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5 *[Members Present: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green,*  
6 *Manning, McBride]*

7  
8 Called to Order: 12:10 p.m.

9 MR. CRISS: We're here to give you a presentation on Public Works road funding.

10 CHAIRMAN VAN DINE: Thank you both for being here. We appreciate it. We  
11 seem not to know a whole lot about road funding around here. At least this Body up  
12 here does.

13 MR. EVERSMANN: Thank you, sir. Mr. Chairman, ladies and gentlemen, good  
14 afternoon. I'm Chris Eversmann. I'm your Director of Public Works. And, as Michael  
15 mentioned, we also have Chris Truluck, who is, I would say, our Project Manager for our  
16 local road program. And we'd like to take a few minutes of your time today to discuss  
17 our local road program specifically with emphasis on the funding for those road  
18 improvements, which use C-Funds. You have before you a copy of our slide  
19 presentation with three slides per page printed out. Please feel free to make notes on  
20 them and take them. We can provide additional copies, anything that you would like.  
21 And we will have a period at the end of the brief for questions if at all possible. I think it  
22 kind of helps the continuity of the brief if we go through. But if there's something  
23 burning, please don't – please don't hesitate, if needed. Next slide, please. Okay. C-  
24 Funds, a couple of basic facts about them shown on the slide. \$2.66 cents of your state  
25 gas tax goes into the pot from which C-Funds are distributed. In addition to that, we  
26 receive, as one of the larger donor counties in South Carolina, \$9.5 million dollars in  
27 donor funds. Let me first emphasize that \$9.5 million dollars funds does not come to

1 Richland County; \$9.5 million dollars distributed to all donor counties throughout the  
2 state. And you will see what the Richland County distribution is of C-Funds in a  
3 subsequent slide. In addition, any funds that are distributed are obviously, while they  
4 are awaiting expenditure, interest is accrued on those funds and that interest, as well, is  
5 used to advance our local road program. Big misconception with regard to C-Funds;  
6 you hear they're distributed to the 46 counties within the state. That is true, but they are  
7 not distributed to the County Councils, right? They're distributed to the County  
8 Transportation Committees. You've heard reference made and, maybe, you've had  
9 some dealings with the Richland County CTC, 11-member body with membership  
10 appointed by the legislative delegation. So it is the CTC – it is that body that directly  
11 controls the C-Funds. Next slide, please. Okay. Two basic categories of projects are  
12 accomplished using C-Funds. By state law, 25% must be spent on the state's system;  
13 that is roads that are maintained by the South Carolina Dept. of Transportation. Okay,  
14 so right off the top 25%, by law, goes to the SCDOT for them to spend. That could be  
15 resurfacing. That could be intersection improvements. That could be anything that they  
16 deem necessary in terms of their road network. That would leave 75% potentially  
17 available to be spent on the local road network. Next slide, please. Okay. Starting  
18 from the bottom line and working up, Richland County distribution, typically, per year is  
19 about \$3.6 million dollars. Okay? What we have recommended and what has been  
20 endorsed by both the CTC as well as the Richland County Council is a breakdown of  
21 that \$3.6 million dollars as shown. Approximately \$200,000 going to the City of  
22 Columbia for road needs within the municipal boundaries of the City. And, again, how  
23 the City spends that \$200,000 – that could be spent on city roads if there are city

1 maintained roads, or it could be spent on DOT roads that are within the City. But the  
2 \$200,000 reflects sort of their historic level of funding as to up until, I guess – what -  
3 about two or three years ago when we kind of put this program together. Richland  
4 County, to include many of the small municipalities within the county, share is about  
5 \$2.5 million dollars. And, again, that mandated 25% going to the DOT. That equates to  
6 about \$900,000. And, again, typical year \$3.6 million dollars is the distribution. And  
7 that's more or less how it's broken up. Next slide, please. Okay. We're talking now,  
8 about the \$2.5 million dollar county portion, alright? Remember, that is for the  
9 unincorporated county as well as for the smaller municipalities within the county with  
10 whom we have inter-governmental agreements. We've got that money broken up into  
11 three different program areas. The first is the Paving Program. And when we say  
12 'paving' we are talking about paving of dirt roads, right? This is a program that is within,  
13 contained within our county road ordinance. It has been approved by the County  
14 Council and has also been approved by the County Transportation Committee. The  
15 next portion of our local road program is the Resurfacing Program. And when we're  
16 talking about resurfacing, now, we're talking about the resurfacing of existing, paved,  
17 county roads, alright? So you see the differentiation between paving and resurfacing.  
18 And then we have somewhat of a catchall – other road related projects. This could be  
19 safety enhancements. This could be turn lanes. This could be, possibly, signalization.  
20 Things like that. And, again, those are considered – whereas the Paving Program and  
21 the Resurfacing Program are kind of multiyear efforts, we look at the entire network in  
22 devising our four year strategies and our annual strategies as to what roads we're going  
23 to pave or what roads we're going to resurface; the third category there is really a case

1 by case type basis. Next slide, please. Okay, in terms of dollars, again starting with the  
2 bottom line of \$2.5 million dollars, what we do is appropriate, optimally about – or  
3 expend, I should say – about \$100,000 on other transportation projects, \$1.4 million  
4 dollars on resurfacing and \$1,000,000 for paving. Again, these are annual distributions.  
5 The Paving Program is, as you'll see, managed in four year increments. The  
6 Resurfacing Program is managed annually in one year increments. And our other  
7 related projects, again, are kind of as needed. Next slide, please. Okay, next one. I'm  
8 sorry. Alright, let's talk about the Paving Program. Right now, by our inventory, we've  
9 got about 680 dirt roads, countywide, that are the maintenance responsibility of  
10 Richland County. This equates to about 225 miles. Typical pavement costs are  
11 between \$300,000 and \$350,000 per mile. Now, obviously, that's going to vary  
12 because the conditions of each road in terms of their existing drainage and things like  
13 that, their alignment, you know, the bottom line is that dirt roads have evolved. They  
14 are not, generally, the product of engineering design. You know, they started out as  
15 cow paths, logging trails, whatever, and eventually they kind of came within or under the  
16 purview of the public domain. And we, through prescriptive easement, maintain them.  
17 So, again, you've got a wide variety of conditions that you're trying to bring up to an  
18 appropriate engineering standard. So you're not going to do much better, at least at this  
19 point, than those budget estimates that reflect that range right there. If we were to pave  
20 all 225 roads – excuse me, 225 miles – that would equate to about \$70,000,000. So to  
21 take care of all the county roads in one fell swoop that's what we would estimate. And  
22 you can see a breakdown as to what we have to pay for out of that \$300,000 to  
23 \$350,000: surveying, design, acquisition of right-of-way, although it is our goal that most

1 of the right of way will be donated, that is all the money that we have to spend on right—  
2 of-way we are not spending on improving the road in terms of construction. So we  
3 definitely hope for donation of right of way, bringing up to adequate standards road  
4 width, straightening out curbs, drainage improvements, things like that. Next slide,  
5 please. It could be intuitively obvious as to why to pave dirt roads: dust, wash boarding,  
6 problem in adequately maintaining it, drainage problems, alignment, you know, width,  
7 everything. As I said, these roads emerged as the product of evolution as opposed to  
8 the application of engineering standards. So we are seeking to pave as many dirt roads  
9 as we can within our existing funding level. Next slide, please. Okay. Kind of a little bit  
10 of background with regards to our paving program. We pave county-maintained dirt  
11 roads and we consider, in each four year program, all dirt roads in the county road  
12 network for paving. We evaluate them using a uniform rating system and then we seek  
13 to accomplish the paving based on a priority from application of the rating system, but  
14 also a *pro rata* distribution of the funding by council district. And we'll talk about, I think,  
15 in a subsequent slide how the money is distributed based on an annual \$1,000,000  
16 expenditure. Next slide, please. Okay, for the uniform rating system we look at the  
17 number of homes, number of businesses, number of churches. We assign points if the  
18 road is a through road. And we, also, probably what is our most subjective, although I  
19 do defend it and I think it's valid and I think we're pretty good in assessing it, but we  
20 assign a factor based on the difficulty of maintenance. Remember there are some  
21 roads out there that are, even though they're dirt road, are heavily trafficked. There're  
22 some roads out there where the soil conditions are such that it's very difficult to  
23 maintain. There're some roads out there that drain very poorly. So all of those factors

1 can make one road extremely difficult to maintain and they can make another road, you  
2 know, in need of very little effort to maintain. So we do look at the difficulty of  
3 maintaining these individual roads. I talked about distribution of funding. And, again,  
4 it's done on a *pro rata* basis. We've got the total mileage, countywide, for the dirt road  
5 network. And then we break it up by council districts. And then it's just done based on  
6 \$4,000,000 provided on a four year – to a four year program. And then we just break it  
7 up between the districts in that fashion. That is the paving portion of our local road  
8 program. Next we're going to move on to the resurfacing portion of our county road  
9 program. Right now I think the count is about 450 miles of paved road within the county  
10 road maintenance network. Now I'll just – and you'll see this or maybe it'll jump out at  
11 you in subsequent slides - when we developed the program a few years ago, we started  
12 with a desire to resurface 1/20<sup>th</sup> of the county paved road network every year. Or, put  
13 another way, we expect paved roads to have a 20 year life cycle. So we want to, if we  
14 are doing 1/20<sup>th</sup> of the road network, at the end of every 20 years every paved road will  
15 have been resurfaced and we'll be on top of our resurfacing needs. One-twentieth  
16 equates to 5% of the county maintained paved road network each year. This equates  
17 now, based on 450 miles to about 22 miles of paving each year. Alright, next slide,  
18 please. The previous slide was what we planned on and our goal based on the paved  
19 road network a couple of years ago. This is where we are today because our paved  
20 road network is growing very rapidly with each new neighborhood and all the  
21 development that comes online. Based on \$1.4 million dollars per year for resurfacing,  
22 we are only resurfacing about 11 miles per year, which equates to 2.5% of the current  
23 paved road network, which means that we're on a 40 year cycle and not a 20 year cycle

1 as we hoped to be. So everyone can see that right now we are facing a, in the future, a  
2 pretty significant shortfall with regards to resurfacing funds, alright? It was adequate as  
3 recently as three years ago when we first devised the program. But, obviously, there's  
4 been considerable amount of growth in the county since then. So, a future challenge for  
5 the County government is going to be figuring out how we can get back up to 5% of the  
6 total county road network being resurfaced in a given year. Okay, with regards to our  
7 means of how we administered our resurfacing program, in terms of our inspection  
8 process we look at the roads every four years and we assign an overall condition index,  
9 or an OCI, going from 1 to 100. And 100 would reflect a brand new road in perfect  
10 shape. And then, basically, we try to do what we call 'worst first.' Start with the lowest  
11 OCI ratings and knock out as many of those that \$1.4 million dollars will allow. I will just  
12 also say at this point that our inventory and our information of the entire county road  
13 network, being whether it's paved road or unpaved road, I would rate as outstanding.  
14 It's never perfect. It's a very dynamic situation out there. And conditions are changing  
15 each day. But, you know, the idea of knowing what roads are in the network, being able  
16 to quantify that in terms of number of roads and road mileage, knowing their condition in  
17 general terms, it's all automated and I think serves us well. Next slide, please. Okay,  
18 and then we talked about the other road related projects: safety enhancements,  
19 intersection improvements, transportation studies, installation of sidewalks. I'm going to  
20 throw a curveball at you. We included Rosewood Drive there because Rosewood Drive  
21 was a project that the County had committed to. It is a bonded project and, as such, we  
22 have to pay on the order of \$200,000 per year to pay down the bond. Remember that  
23 we talked about funding for other projects being \$100,000 a year. So you see there's

1 another \$100,000 that is going to have to come from somewhere. It will either come out  
2 of our resurfacing money or, hopefully, not come out of our paving money. But,  
3 obviously, it's a commitment that the County has made and is going to need to be  
4 honored. What I'm saying is that we don't have a lot of loose money laying around  
5 waiting to be used for even these local transportation projects. Next slide, please.  
6 Which brings on the typical lament of county bureaucrats, we have looming, a – I don't  
7 know if I'll say a funding crisis – but certainly we've identified a funding shortfall with  
8 regards to our local road program. I would not want to cut any of those. You know,  
9 paving and resurfacing are vital to the welfare and the maintenance of our road and  
10 even our drainage infrastructure, I'll say. So we need to be exploring other funding  
11 possibilities. Transportation impact fees, obviously, is a source that is being employed  
12 by some communities. We currently have a road maintenance fee that is charged per  
13 vehicle by the County. Although I will say that currently, more or less, the revenue  
14 raised by the road maintenance fee basically covers the operation, each year, of our  
15 Roads and Drainage Division. That's the division within Public Works that is charged  
16 with maintaining our road network. Alright, so we don't have a lot of excess money  
17 there either, to divert to capital construction or capital improvements. Anyway, that's the  
18 situation. Again, just coming to you to provide you some information with regards to the  
19 program. I think we are headed in the right direction. About three and a half years ago  
20 the funding split was basically reversed, which the Department of Transportation was  
21 basically expending 75% of Richland County's \$3.6 million dollars and the local road  
22 program was only getting about 25%. Kind of reverse those and I think that is good.

1 But as you can see, there's a great need there. At this point I would open it up if you  
2 have any questions.

3 MR. GREEN: Chris, the road maintenance fee you were referring to is that paid  
4 as part of the property tax on someone's individual property tax?

5 MR. EVERSMANN: Yes, sir. I believe the fee is \$15 per vehicle.

6 MR. GREEN: Regardless of the weight or size of the vehicle.

7 MR. EVERSMANN: I think it's - I don't think there's any distinction made, sir, as  
8 to how that works.

9 MS. LUCIUS: Could you repeat where you said that goes, where that money is  
10 spent?

11 MR. EVERSMANN: Yes, ma'am. The Department of Public Works. We have  
12 eight different divisions within the department. One of those divisions is our Roads and  
13 Drainage Division and they maintain the county network of roads, but also the county  
14 drainage network. Obviously, the county drainage network directly supports the county  
15 road network.

16 MS. LUCIUS: Right.

17 MR. EVERSMANN: It funds their operation.

18 MS. LUCIUS: Their operation.

19 MR. EVERSMANN: They have very little left over for capital improvements such  
20 as those that we [inaudible].

21 MS. LUCIUS: Right. Okay.

22 MR. JACKSON: What's the approximate total you receive each year from  
23 maintenance on funds?

1 MR. EVERSMANN: 3.3 million.

2 MR. JACKSON: 3.3?

3 MS. TRULUCK: It's over 3. I'm not sure how much exactly.

4 MR. EVERSMANN: Off the top of my head, sir, I'd say about 3.3 million.

5 MR. MANNING: Chris, who prioritizes the allocation?

6 MR. EVERSMANN: Okay, sir. Between – for paved roads or for resurfacing?

7 MR. MANNING: Right. I mean not the roads that are going to get resurfaced but  
8 whether it's dirt roads or resurfacing - does Public Works make that recommendation  
9 [inaudible]?

10 MR. EVERSMANN: Yes, sir, certainly. It's a little bit different, but I'll talk about  
11 each program. For the Paving Program for unpaved roads, again, we do that on a four  
12 year cycle. And we apply the rating formula to all of the roads within the network. So  
13 that provides a prioritization within each of the 11 council districts. And then we apply  
14 the budget amount of \$300,000 per mile to that. So that will determine, based on the  
15 *pro rata* distribution of funds within each council district. We can afford to pay for the  
16 first 11 roads in this district. And do that for all of the County Council districts. At that  
17 point once in each four year cycle we ask the County Council Member and we also ask  
18 the CTC Member are you satisfied with this rank order or are there roads that maybe  
19 have needs that were not captured in the application of the uniform formula that you  
20 would like to see moved up, but just keep in mind we've to stay within the established  
21 funding level so if you move anything up then other roads have to come off the four year  
22 cycle. So it is, I'll say, mostly scientific, but we do consult with the leaders within those  
23 districts, i.e. County Council as well as CTC, to seek their input as well. That's how the

1 paved road priority is established. With regards to resurfacing, for lack of a better term,  
2 I'll say it is much more scientific in that because of the nature of paved roads you can  
3 better quantify and prioritize. And we, for all intents and purposes, basically stick with  
4 the OCI rating for the resurfacing program. And then keep in mind, also, that we  
5 execute the resurfacing program on an annual basis. We execute the paving program  
6 on a four year basis. So it's one thing to tell someone, "Your paved road could not be  
7 resurfaced this year but we can look at it again for inclusion next year." Whereas, with  
8 paved roads it's like if you're not in this cycle we're not going to look at you again really  
9 for another four years. So they're similar programs and there're a lot of common  
10 elements to them but they're managed slightly different. But, again, there's a scientific  
11 basis, if you will, for the prioritization initially.

12 MR. MANNING: There weren't any new roads on that list, obviously; \$100,000  
13 was allocated to these projects.

14 MR. EVERSMANN: Well, remember that the \$100,000 for other – when we say  
15 'other' we hopefully mean something other than paving or resurfacing. And, again, turn  
16 lanes, signalization, things like that. But what I'm saying is that that other \$100,000 is  
17 eaten up by our \$200,000 a year payment for Rosewood Drive for that construction that  
18 has been bonded and the bond that needs to be paid down. So we're not going to have  
19 any available funds for other enhancements for several years.

20 MR. MANNING: I guess my question was really you've used it, the bond issue, to  
21 fund Rosewood Drive.

22 MR. EVERSMANN: Yes, sir.

1 MR. MANNING: If someone wanted to suggest that we need to look at C-Funds  
2 on a larger bond issue what's the process you'd have to go through to prioritize,  
3 allocate, funds to larger road projects?

4 MR. EVERSMANN: Well, I mean the Department's position – and I would say  
5 probably the position as evidenced by the road ordinance of the County Council – is that  
6 the program that was briefed here represents their priorities. So I guess what I would  
7 advise is that if we were going to look at using C-Funds as a revenue source to  
8 leverage bond money, my hope would be and my recommendation would be that it  
9 would fund paving and resurfacing projects as opposed to other types of projects. You  
10 know, at this point we are trying to get through in the case of the Paving Program the  
11 first four year cycle. What we would hope is that we can get an effective program in  
12 place and that in future four year cycles we could maybe look at bonding. Because,  
13 again, we want to pave as many roads, as many county, dirt roads, as we can.

14 CHAIRMAN VAN DINE: Can I ask a couple of questions? The first is where is  
15 the funding for road projects such as Clemson Road Extension coming from? That's  
16 not from the C-Funds, is it?

17 MR. EVERSMANN: Yes, sir. That scale of projects, the widening of  
18 Hardscrabble, okay? That is, in our opinion – well, the map will tell you, C-Funds  
19 cannot pay for that.

20 CHAIRMAN VAN DINE: Right.

21 MR. EVERSMANN: And any money that we seek to divert from that \$3.6 million  
22 dollars, I mean, you see where it goes. And any money that is diverted from there will  
23 be to the detriment of the local road program. That needs to be understood by

1 everyone. Now when you start getting into projects of that magnitude, you need to start  
2 looking at Central Midlands COG and funds that are appropriated from, I'll say, other  
3 transportation related funding sources. You know, the 321, things like that.

4 CHAIRMAN VAN DINE: What kind of input –

5 MR. EVERSMANN: [Inaudible] process [inaudible].

6 CHAIRMAN VAN DINE: - does your Department have on prioritizing or looking at  
7 those type projects?

8 MR. EVERSMANN: Yes, sir.

9 CHAIRMAN VAN DINE: Because there are, obviously there are certain areas out  
10 there which have greater impact due to recent development.

11 MR. EVERSMANN: Right.

12 CHAIRMAN VAN DINE: And I'd hate to think that they were continually –

13 MR. EVERSMANN: Right.

14 CHAIRMAN VAN DINE: - left to somebody else other than yours.

15 MR. EVERSMANN: And I'll tell you that where we are on that is we are very  
16 hopeful that we will very soon pass – I shouldn't say pass, I should say adopt – that the  
17 Richland County Council will adopt the Northeast Transportation Study. And some of  
18 you all who have been on the Planning Commission for awhile may recall over a year  
19 ago us coming to you and seeking your suggestions with regards to the means by which  
20 projects are prioritized. And, again, this is the – think of that as being – think of those  
21 type of projects as being one step up from these local road programs; usually involve  
22 the state system much, more expensive, and much greater impact to the area as  
23 opposed to these projects which are very localized – individual streets, individual

1 neighborhoods, things like that - but, anyway, getting back to it - we commissioned the  
2 Northeast Transportation Study. We sought input from the Planning Commission, the  
3 CTC, and County Council with regards to the way that projects identified should be  
4 prioritized. We applied that and we brought forward the draft study. It went to County  
5 Council. They referred it to a work session. A work session was held. It has not yet  
6 been adopted. However, I know that the new Councilman for the northeast area is  
7 working to get it brought on to the agenda so it will be adopted. And at that point it will  
8 become, if you will, county policy and will be sent over to Central Midlands COG to be  
9 reflected in the COATS Plan. And, again the COATS Plan reflects the larger  
10 transportation projects in the midlands, throughout the Central Midlands COG area. We  
11 want to next do a similar type study for southern Richland County. And then by the time  
12 we are done with that, hopefully, we can update a study for the northwestern part of the  
13 county. There is an existing study for the northwestern part of the county but it's about  
14 seven years old, okay? So I guess what I'm saying is that we employ the consultants  
15 that will look at the trends and the needs. We would love to say we'll do it countywide,  
16 but it's very costly and we make do with funds that we can identify and apply, okay? So  
17 the next step, hopefully the passage of the Northeast – or the adoption of the Northeast  
18 Transportation Study will occur soon. And then we can start looking at the southern  
19 part of the county.

20 MR. GREEN: But the larger projects, the Clemson Road's and the  
21 Hardscrabble's, things of that nature, are actually through the COG or COATS or  
22 somebody like that as opposed to the C-Funds?

1 MR. EVERSMANN: Yes, sir. Yes, sir. Because you will – and if I may – you  
2 know \$3.6 million sounds like a lot –

3 CHAIRMAN VAN DINE: No, it doesn't.

4 MR. EVERSMANN: - but when you start talking about transportation  
5 improvements it goes in a hurry. And, you know, it's like trying to bail out the ocean with  
6 a bucket kind of thing. You'll spend all your C-Funds. You'll completely lose the  
7 effectiveness of your local road program. And you'll have very little to show for it in  
8 terms of regional area, large scale transportation improvements.

9 CHAIRMAN VAN DINE: At the risk of, perhaps, offending a whole lot of people  
10 what would be the increase in funding if a one cent increase in gas tax were added? I  
11 mean how much more money would we get in this county if the state adopted a one  
12 cent gas tax?

13 MR. EVERSMANN: I, off the top of my head, cannot give you the number. But I  
14 would just point out you see the level of funding we're getting based on \$2.66 cents out  
15 of the state gas taxes that are applied. Hopefully, a one cent increase in that – some of  
16 that money – I wouldn't expect the entire one cent to go to the local road programs, but,  
17 hopefully, a portion of it would. You can see the deficit that we're looking at in Richland  
18 County. It certainly could not hurt.

19 MR. GREEN: Chris, how long have we been sitting on \$2.66 cents?

20 MR. EVERSMANN: My guess would be as long as the gas tax has been at its  
21 current level. That would be my guess.

22 MR. GREEN: Anybody have any idea how long we've been stuck at the same  
23 number?

1 MR. GOSLINE: 1985.

2 MR. EVERSMANN: Whenever gas tax was increased last at the state level.

3 MS. LUCIUS: Did you say '85?

4 MR. GOSLINE: 1985.

5 MR. GREEN: 1985?

6 MR. EVERSMANN: And remember that gas is an excise tax, which means that it  
7 a flat rate per gallon. The price of gas could double but the amount that we collect in  
8 taxes remains set. Yes, sir?

9 MR. JACKSON: We said within the past, approximately two years ago, there's a  
10 partnership with South Carolina State University for alternate treatment of dirt roads.

11 MR. EVERSMANN: Yes, sir.

12 MR. JACKSON: How is that study going?

13 MR. EVERSMANN: Yes, sir. In fact, anticipating that question, I do have an  
14 update that I have written down in a letter that is being sent to you, sir. I've got a copy  
15 of it. I will give it to you. I will tell you that Richland County has consistently through this  
16 process, and to date, been responsive in providing information and support and  
17 commitment to this program. We, frankly, at this point are waiting on South Carolina  
18 State and their consultant firm, a company called Geometrics. At this point they are  
19 working on securing the grant funds. They are working on determining what is the  
20 appropriate application to use for the program. But the roads have been identified. We  
21 have committed to our portion. We have reviewed the agreements. So we are on  
22 board. And, again sir, I've got that. Give it to you and you'll get it in the mail, as well.

23 MR. JACKSON: Okay.

1 MS. LUCIUS: I had one quick question.

2 MR. EVERSMANN: Yes, ma'am.

3 MS. LUCIUS: You were talking about maintenance difficulty.

4 MR. EVERSMANN: Uh-hum (affirmative).

5 MS. LUCIUS: But you have a formula – not a formula but something that rates  
6 dirt roads?

7 MR. EVERSMANN: Yes, ma'am.

8 MS. LUCIUS: Okay.

9 MR. EVERSMANN: What we do is basically rely on the accumulated expertise of  
10 the leadership of our Roads and Drainage Division. And, again, our Roads and  
11 Drainage Superintendent and our Maintenance Supervisor for northern Beaufort  
12 County, Maintenance Supervisor for southern Beaufort County, probably you've got an  
13 accumulation of 40 or more years of experience in maintaining county road network.  
14 We explain to them the rating system. We say, "Okay, this is the best. This is the  
15 worst. Rate them appropriately based on maintenance difficulty." And, again, so there  
16 is some subjectivity there.

17 MS. LUCIUS: Right.

18 MR. EVERSMANN: But I will tell you we took the results of what they said, "This  
19 is a, you know, this is 10 and this is a 1" and we normalized that data. In other words  
20 we analyzed it and it did form a bell curve. So it had the proper distribution and I think  
21 it's an effective component.

22 MS. LUCIUS: Are you saying that greater maintenance difficulty will tend to put it  
23 lower on the –

1 MS. WYATT: No, higher.

2 MR. EVERSMANN: A road that is more difficult to maintain will receive an overall  
3 higher score because it is more difficult to maintain.

4 MS. LUCIUS: More likely to be paved?

5 MR. EVERSMANN: Yes, ma'am. Correct.

6 MS. LUCIUS: I was thinking the opposite. Okay.

7 MR. EVERSMANN: No. We want to pave our roads that are – where our  
8 maintenance efforts are not as effective as we would like. So that's the rationale behind  
9 it.

10 MS. LUCIUS: Okay.

11 CHAIRMAN VAN DINE: I hate to –

12 MR. PALMER: I have one question, if I could. Talking about the road fee, the  
13 \$15.

14 MR. EVERSMANN: Yes, sir.

15 MR. PALMER: That raises approximately – what did you say – \$3.3 million?

16 MR. EVERSMANN: Off the top of my head, it's around that.

17 MR. PALMER: And my understanding is that covers the overhead of your  
18 Department. That would –

19 MR. EVERSMANN: The Roads and Drainage – we've got eight different divisions  
20 within the Department. The one that has the mission, directly, of maintaining county  
21 roads and county drainage network is our Roads and Drainage. And that pays for their  
22 annual operation.

1 MR. PALMER: So we got \$3.3 million dollars is what it costs for the operation  
2 costs of you guys to manage, basically, \$2.5 million dollars. It's costing \$3.5 million  
3 dollars for you guys to manage \$2.5 million dollars worth of money.

4 MR. EVERSMANN: No, sir.

5 MR. PALMER: Is that not right?

6 MR. EVERSMANN: That is not correct. I'm not talking about management. I'm  
7 talking about actual physical maintenance: people with dump trucks, the equipment, the  
8 material that goes out and fills potholes, grades roads, cleans ditches.

9 MR. PALMER: Okay. So that – that maintain the roads.

10 MR. EVERSMANN: Correct.

11 MR. PALMER: The maintenance of the roads.

12 MR. EVERSMANN: Yes, sir.

13 MR. PALMER: And this \$2.5 million dollars goes into –

14 MR. EVERSMANN: Capital construction. Capital improvement.

15 MR. PALMER: Okay. Alright.

16 MR. EVERSMANN: Paving or resurfacing.

17 MR. PALMER: Then how much would it cost would you say on average? I know  
18 that it varies per resurfacing. But how much would you say on average it is per mile to  
19 resurface?

20 MS. TRULUCK: \$125,000.

21 MR. EVERSMANN: \$125,000. And I will tell you that is, when I say a better  
22 figure than our budgetary – not that our budget figure for paving is bad, but we're in our  
23 first cycle for the paving program. We have gone through several –

1 MS. TRULUCK: Resurfacing programs.

2 MR. EVERSMANN: - several resurfacing cycles and the 125 has been validated.  
3 It's a good number.

4 MR. PALMER: But three years ago we had enough money to do the 22 miles per  
5 year. Now we don't. Is that just simply due to an increase in roads?

6 MR. EVERSMANN: It is mostly because of an increase in the road network, but,  
7 to a certain degree also, inflation, certainly. I mean that always plays a –

8 MR. PALMER: We haven't received any more funds in those three years. It's  
9 pretty much stayed level?

10 MR. EVERSMANN: Yes, sir.

11 CHAIRMAN VAN DINE: I hate to break it up. We have one last question. But  
12 Hobart Road has been an issue for everybody up here as far as the additional road at  
13 the railroad crossing to try and get people from having to exit onto Longtown Road or  
14 into the Longcreek Plantation.

15 MR. EVERSMANN: Okay.

16 CHAIRMAN VAN DINE: We would like to have an update, if we could, on what  
17 the status is of discussions relating to the at grade crossing and moving the crossing to  
18 straighten out that road, all of those other issues.

19 MR. EVERSMANN: Yes, sir. I can't give you a thorough one now. I'm familiar,  
20 though, and we can provide y'all an update.

21 CHAIRMAN VAN DINE: If you could do that for us we would appreciate it  
22 because we're being asked to approve subdivisions, a lot of them in that area. And as it  
23 sits right now, unless somebody wants to take a dirt road across the railroad track,

1 they're going to have to empty out into the internal road system of Longcreek and  
2 Longtown, which are already in trouble out there. If we could, we'd appreciate that.

3 MR. EVERSMANN: Certainly.

4 CHAIRMAN VAN DINE: I want to thank you both for coming and giving us an  
5 update. I'm sure that we'll all have questions at some point when we walk out of here  
6 going, "Gee! I wish I had asked that."

7 MR. EVERSMANN: Terrific. No, no problem at all and contact me directly and  
8 contact me through Michael, and I'm glad to try to answer your questions. Thank y'all  
9 very much.

10 CHAIRMAN VAN DINE: Thank you. I appreciate your time. Thank you. That's  
11 going to end our workshop session. We're going to take a short five minute break while  
12 we set up for the Planning Commission meeting, itself. So be adjourned for five  
13 minutes.

14 *[RECESS]*

15 CHAIRMAN VAN DINE: I'd like to bring the April 4<sup>th</sup> meeting to order. We  
16 recognize we do have a quorum. As an initial point, please, anybody with cell phones,  
17 pagers or anything else either have them on manner mode or shut them off. If you get a  
18 call, please step outside the room to take the call. Do not try and talk in here because  
19 your voice carries up to the front. So if everybody would please check your phones and  
20 pagers and anything else and make sure that they are off or in the vibrate mode. Thank  
21 you. I need the public announcement notice, please, so I can read that. Thank you.  
22 Apparently Mr. Green is still the Chairman in relation to this. Would you like to read it?

23 MR. GREEN: No, thanks.

1 CHAIRMAN VAN DINE: In accordance with our rules and regulations I am  
2 required to read the following into our agenda and into the minutes. "In accordance with  
3 the Freedom of Information Act, a copy of the agenda was sent to radio and TV  
4 stations, newspapers, persons requesting notification, and posted on the bulletin board  
5 located in the lobby of the County Administration Building. Therefore this meeting has  
6 been properly noticed and posted." Any questions? Alright. Next on our agenda are  
7 the March 7<sup>th</sup> minutes. Do I have any objections to those minutes or do I hear a  
8 motion?

9 MR. MCBRIDE: So moved.

10 MS. LUCIUS: I'm sorry. On the last page there's a quote attributed to the wrong  
11 person where it says, "... and I behaved." That's attributed to Ms. Linder and Ms. Linder  
12 would never say anything like that. That was me. So change that to Ms. Lucius.  
13 [laughter] Other than that I move to approve the minutes.

14 CHAIRMAN VAN DINE: With that notation, do we have a second?

15 MR. GREEN: I second.

16 MS. WYATT: I'd love to make some comments right now.

17 CHAIRMAN VAN DINE: I am trying to restrain mightily, so let's try and move on.  
18 All those in favor of adoption of the minutes please raise your hand. Alright.  
19 [Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,  
20 McBride]

21 CHAIRMAN VAN DINE: Next are there any agenda amendments or additions?

22 MR. PALMER: Mr. Chair, I'd like to add to Other Business if we could the  
23 discussion of the checklist and administrative manuals that were due to be at Council by

1 April 1<sup>st</sup> which were not there, as far as it applies to development design manuals and  
2 storage drainage design standards.

3 CHAIRMAN VAN DINE: Does everybody understand what the issue is? You  
4 should have all received a letter from the Homebuilders Association which requested a  
5 deferral or a postponement of the implementation based upon the fact that the manuals  
6 have not been provided to Council on the date that had been requested. Does anybody  
7 have any objection to adding this as an agenda item on our Other Business at the end  
8 of the meeting?

9 MS. WYATT: Mr. Chair, I don't believe I received a copy of that.

10 MS. LUCIUS: I didn't either.

11 CHAIRMAN VAN DINE: It should have come in through –

12 MS. WYATT: I see Mr. Green's, but I don't see mine.

13 CHAIRMAN VAN DINE: It should have come in to your home, not as part of this  
14 meeting. It should have come in to your home as an item. You have not seen it  
15 before? Why don't we –

16 MS. WYATT: Will you let me read it and I'll –

17 CHAIRMAN VAN DINE: Let's decide whether or not we want to add it as an  
18 agenda item first and then we can address that issue at that point if we need to. Does  
19 anybody have an objection to adding it as an agenda item? Do I hear a second to Mr.  
20 Palmer's motion?

21 MR. GREEN: Second.

22 CHAIRMAN VAN DINE: All those in favor of adding that particular item for  
23 discussion please raise your hand. Any opposed?

1 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
2 *McBride]*

3  
4 CHAIRMAN VAN DINE: Alright, we will add that at the end of the -

5 MR. GOSLINE: Mr. Chairman and members, we have two changes. One is  
6 request for deferral on Jacobs Creek Phase 3. Defer it until the May meeting.

7 CHAIRMAN VAN DINE: That would be SD-05-193?

8 MR. GOSLINE: That's correct.

9 CHAIRMAN VAN DINE: At the top of page 2 of our agenda.

10 MS. WYATT: Page 2?

11 CHAIRMAN VAN DINE: On page 2 of the agenda. I'm sorry. On your top left.

12 MS. WYATT: Which one is that?

13 CHAIRMAN VAN DINE: Jacobs Creek.

14 MR. GOSLINE: And also the next one on the agenda, Polo Village, SD-05-206.  
15 Both deferred it to the May meeting, requesting deferral to the May meeting. I guess  
16 you need to take action.

17 CHAIRMAN VAN DINE: Do we need to take action on those or if it's a request of  
18 the applicant -

19 MR. CRISS: Would recommend that you do so.

20 MR. GREEN: Mr. Chairman, I move we defer SD-05-193 and SD-05-206 until our  
21 next regularly scheduled Planning Commission meeting.

22 MR. JACKSON: I second.

23 MS. WYATT: I'd just like to ask Staff a question. Carl, you mentioned on the  
24 Polo Village they were requesting deferral until May. You didn't make a month  
25 statement as far as Jacobs Creek. Would that also be May?

1 MR. GOSLINE: Yes.

2 CHAIRMAN VAN DINE: And I would like the Record to note that that request is  
3 by the applicant –

4 MR. GOSLINE: Yes.

5 CHAIRMAN VAN DINE: - as opposed to the Department.

6 MR. GOSLINE: Both by the applicants.

7 CHAIRMAN VAN DINE: Any discussion? All those in favor please signify by  
8 raising your hand.

9 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
10 *McBride]*

11  
12 CHAIRMAN VAN DINE: Then SD-05-193 and 206 have both been deferred to  
13 our May meeting. Any other agenda amendments or changes?

14 MR. GOSLINE: Not that I have. I guess not. No, sir.

15 CHAIRMAN VAN DINE: Alright. Then I think we have to go back to our Old  
16 Business first. SD-05-97, the BJ Glover Private Driveway Subdivision, page 1 of our  
17 agenda.

18 **CASE SD-05-97:**

19 MR. GOSLINE: Mr. Chairman and Members, this was a request for a private  
20 driveway subdivision that came up last month. And it was deferred because the issue  
21 here was in the subdivision regulations a private driveway subdivision requires a  
22 minimum one acre lot. And this particular parcel is located in RS-1 zoning district which  
23 requires minimum of 12,000 square foot lot. A couple of the lots did not comply with the  
24 minimum one acre. We requested an opinion from the Legal Department as to which of  
25 these apply. The Legal Department has determined that in a private driveway

1 subdivision you must have a minimum one acre lot. That would be easy enough to  
2 accommodate in this particular project. They'd have to redesign the plat that you've got.  
3 The applicant is here if you'd like to have them speak to that.

4 MR. GREEN: Carl, if we could get you to pull that microphone a little bit closer to  
5 you. Thank you. I just had a question. The information block at the start of this section  
6 refers to sewer service provider as septic. And I noticed in the specific conditions that  
7 the residents will be required to connect to the public sewer system.

8 MR. GOSLINE: Right.

9 MR. GREEN: And I didn't know if this was –

10 MR. GOSLINE: Well, see, the County has an ordinance that requires connection  
11 to a sewer system if you're within 200' of it. And the applicant had intended to have  
12 septic tanks. So we just wanted the applicant to be aware that they probably would  
13 have to connect so that's why that's in there.

14 MR. GREEN: Is it within 200' of an existing -

15 MR. GOSLINE: There's a sewer line on the opposite side of Piney Woods Road,  
16 so yes.

17 MR. GREEN: Okay. What does 'may be required to connect to public water'?

18 MR. GOSLINE: The City of Columbia has water lines there and at the time we  
19 wrote this weren't sure whether they would have to connect or not. Sometimes the city  
20 makes them connect. Sometimes they don't. I would guess that they would have to.  
21 Again, we wanted to make sure the applicant understood that they would most likely  
22 have to connect to both the water and sewer system.

1 MR. GREEN: It just would seem ambiguous to me whether they did or didn't. If  
2 we were passing something that did or did not require them to connect.

3 MR. GOSLINE: Well, we – sometimes we just don't – the city usually requires  
4 people to hook up. But there is, as opposed to the county doesn't have any law  
5 requiring a connection to a water system. They do to a sewer system if it's within 200'.  
6 And we just don't know if the city's going to make them connect or not.

7 MR. GREEN: Okay.

8 MR. GOSLINE: I would assume they would.

9 CHAIRMAN VAN DINE: As I understand it, though, as it sits and what is before  
10 us as far as the plat, it does not comply with the requirement. Is that true?

11 MR. GOSLINE: That's correct. However, you could make it a condition that they  
12 do redesign it to come up with minimum of one acre lots. And that's fairly easy to do.  
13 They'd have to lose a lot. But it could be done.

14 MR. MANNING: Carl, one of your recommendations was to eliminate Lot 1.

15 MR. GOSLINE: That's one possibility.

16 MR. MANNING: Could you not leave Lot 1 – or rezone Lot 1 to RS-1 and have a  
17 driveway that was not part of the –

18 MR. GOSLINE: Yeah. Lot 6 is the existing house.

19 MR. MANNING: Right.

20 MR. GOSLINE: Lot 1, in order to make minimum one acre lots in essence you'd  
21 have to lose a lot somewhere along the line.

22 MR. MANNING: Right.

23 MR. GOSLINE: That's just –

1 MR. MANNING: But rather than losing a lot, come back and rezone Lot 1 under  
2 RS-1 and pull the driveway –

3 MR. GOSLINE: Well, it's all zoned RS-1 now.

4 MR. MANNING: Oh, okay. Then leave it at RS-1 and just have the private road  
5 subdivision be four lots.

6 MR JACKSON: You can't.

7 MS. WYATT: You can't.

8 MR. MANNING: Well, the four lots would be one acre.

9 CHAIRMAN VAN DINE: No, because the whole property is being subdivided.  
10 That does not exist as a separate lot right now. In order to get those lots you must  
11 actually subdivide. And we cannot subdivide it into this type of a subdivision if we have  
12 one of those particular lots is less than an acre.

13 MR. MANNING: Right. But they could come back. They could subdivide lots 2  
14 through 5, leave Lot 1 as it is right now and come back and ask for RS-1 zoning on it  
15 later.

16 MR. GOSLINE: The property's already zoned RS-1.

17 MR. MANNING: Okay. Well, then why wouldn't it comply as a normal lot?

18 MR. GOSLINE: Because the subdivision wouldn't have any access to the road.

19 MR. MANNING: You could still have an easement going through Lot 1.

20 MR. GOSLINE: Well, the reason they applied for a private driveway subdivision  
21 is so they wouldn't have to pave the road.

1 MR. MANNING: Well, you still wouldn't have to pave the road. You could have  
2 an unpaved road going back to all those lots. And you could have a driveway going out  
3 to Piney Woods Road.

4 CHAIRMAN VAN DINE: The problem we have right now is there is one lot as it  
5 exists right now. In order to get a subdivision – certainly they could say, "I'm going to  
6 eliminate Lot 1," or "I'm going to make Lot 1 and 6 one lot" as far as the - and then  
7 comply with those requirements. But they have asked for a private driveway subdivision  
8 for all six lots. And until such time as the other lots are divided in the front such that  
9 they do then meet the RS-1 and you would, then, not be adding, including, those as part  
10 of your private driveway, then you might be able to do what you're talking about. But as  
11 of right now, in order to do all of this, what they're talking about, you can't do it because  
12 the front two lots don't meet the minimum requirements of a private driveway.

13 MR. PALMER: So I would think the process that Deas is talking about would be  
14 come back, say we want two lots, one comprising lots 1 and Lot 6, the other lot  
15 comprising 2, 3, 4, and 5, and then come back the next month and say we want to  
16 subdivide lots 2, 3, 4, and 5. That would be the way to keep all the lots.

17 CHAIRMAN VAN DINE: Ultimately, they could try and do that by multiple steps or  
18 whatever. But there's a problem as far as –

19 MR. PALMER: Because Lot 1 would not need to be part of that subdivision. I  
20 mean it's got access onto Piney Wood by itself.

21 CHAIRMAN VAN DINE: Uh-hum (affirmative).

22 MR. PALMER: You would just need to provide an easement through that lot to  
23 the dirt road subdivision behind it.

1 MR. GOSLINE: Well, the problem is that the subdivision wouldn't have any direct  
2 access without an easement to the public road. It's a very simple thing to just make  
3 them one acre lots. They'd lose a lot, but I don't know that that's - that solves the  
4 problem.

5 MR. MANNING: Carl, I mean who wants to lose a lot? I mean if you were the  
6 landowner you wouldn't want to lose the lot. I'm just saying that there's a way to do  
7 what they want to do. It might take two steps and not lose that lot.

8 MR. GOSLINE: Well, the applicant is here if you'd like to ask them what their  
9 preference is.

10 MR. MANNING: If it's zoned RS-1 now, could not the applicant put a house on lot  
11 1 and access Piney Woods Road with a driveway and have an easement going through  
12 lot 1 to access a private road subdivision for lots 2 through 5?

13 MR. GOSLINE: I don't think so, Mr. Manning.

14 MR. MANNING: Why couldn't it?

15 MR. GOSLINE: Well, we're subdividing a piece of property and so the  
16 subdivision has to comply with the design standards and all that. The issue is to do  
17 what they want to do and not pave the roads they've got to have minimum one acre lots  
18 to subdivide the property.

19 MR. MANNING: I understand that.

20 MR. PALMER: So if we were to talk about a two month process whereas this  
21 month or maybe next month they'd come in and ask for two lots, one lot comprising lot 1  
22 and lot 6, currently, and one lot comprising 2, 3, 4, and 5, and then the subsequent

1 month coming in and asking for the dirt road subdivision, then you would say it would be  
2 okay. But if you come in and ask for it all at one time, it's not. Is that correct?

3 MR. GOSLINE: I'm not sure - I understand what y'all are saying. And, to be  
4 honest with you, I don't really know - I mean I understand what you're saying about just  
5 creating - in effect doing a lot split for lots 1 and 6 and then coming back the following  
6 month with a plat for the private driveway subdivision.

7 MR. CRISS: But you can't have a private road going over a driveway unless that  
8 lot is part of the private road maintenance agreement.

9 MR. PALMER: Well, the driveway -

10 MR. MANNING: It would be.

11 MR. CRISS: And you can't have the driveway next to the road.

12 MR. MANNING: Excuse me?

13 MR. CRISS: You can't have the driveway and the road side by side. You've got  
14 to have separation.

15 MR. MANNING: But we've got an easement going through Lot 1, now. I mean  
16 the way it's drawn. You'd still have that easement going through Lot 1.

17 MR. CRISS: And Lot 1 would share that easement to get out to public road.

18 MR. MANNING: Not necessarily. You could have a driveway going out to Piney  
19 Woods.

20 MR. CRISS: Where?

21 MR. MANNING: Right down the lot line.

22 MR. CRISS: There's hardly any room.

1 MR. PALMER: Yeah. You could take 10' out of that Lot 6 and just angle that  
2 road, angle that driveway. I mean Lot 6 doesn't need to be 0.869 acres if it's RS-1.

3 CHAIRMAN VAN DINE: Let's not forget you're also going to have driveway  
4 separation requirements which –

5 MR. CRISS: You can't have a driveway and a road side by side.

6 CHAIRMAN VAN DINE: - may not be able to fit within those areas because –

7 MR. GOSLINE: Right.

8 CHAIRMAN VAN DINE: - there's going to have to be certain distances between  
9 driveways.

10 MR. GREEN: I guess my question is, Mr. Chairman, –

11 MR. JACKSON: There's got to be a separation.

12 MR. GREEN: - is if this subdivision design does not meet county code why is it  
13 being recommended that we approve it and why is on the agenda in its present format?

14 MR. GOSLINE: Well, Mr. Green, when we first brought it to you the issue of  
15 whether the minimum one acre lot in a private driveway subdivision applies because –  
16 remember, now, everyone of them we've ever done before have been zoned RU. And  
17 that's clearly the intent was for the rural areas. Well, this is a request for the first time to  
18 come in and do a private driveway subdivision in an area zoned something other than  
19 rural. So until we got legal opinion we didn't know that the minimum one acre lot would  
20 be required.

21 CHAIRMAN VAN DINE: My concern about what we're doing right now is, as it  
22 sits in front of us, it does not comply with our requirements. In order to make it comply  
23 with our requirements they're going to have to redraw it. And there is a dispute as to

1 how they can redraw it, what the proper way of doing it, whether they can actually make  
2 it into 6 lots versus 5 lots. And I'm not in a position right now to say I feel comfortable  
3 enough voting on this to approve it, even with a condition that it come into compliance. I  
4 think we need to see it when it comes back, when they make the recommendation or  
5 the decision as to what they really want to do with the property. They may not want to  
6 take it and do something else. They may want to just subdivide it as RS-1 into two lots  
7 or something like that. But I don't know how they want to do it. But before we start  
8 talking about compliances or non-compliances I think we need to see, in this instance,  
9 whether or not it actually comports with the county and we get a plat that does that. But  
10 I think that, as opposed to sitting up here taking time for us trying to make the decision  
11 for them about what is the best approach, this is what's before us. We ought to look at  
12 what's before us and make the recommendation based on that at this point in time.

13 MS. LUCIUS: We can't approve it the way it is because it's in violation of our  
14 ordinance. One acre lot.

15 MR. PALMER: But we could approve it subject to it coming into conformance and  
16 every lot being one acre.

17 MR. GOSLINE: Yes.

18 MS. LUCIUS: If that's what we want.

19 MS. WYATT: I couldn't support that.

20 CHAIRMAN VAN DINE: I mean I feel very uncomfortable doing that kind of – at  
21 this stage, with the discussions we've just had and what is there and what isn't here. I  
22 mean I think that, in light of what has been said as the requirements that we need to  
23 address it as it sits here and without conditions or anything else. Ms. Linder.

1 MS. LINDER: If the applicant is here, you may wish to have the applicant come  
2 to the podium. When I spoke to the applicant there was some belief of mind that there  
3 was going to be a request for a deferral so he could get it to comply. And the applicant  
4 has not had a chance to come to the podium yet.

5 CHAIRMAN VAN DINE: I'm sorry. Would you like to –

6 **TESTIMONY OF BENJAMIN GLOVER:**

7 MR. GLOVER: The request was made because it was just the family and not for  
8 any commercial development. And the one house is already on there, that's the family  
9 home right on Piney Woods Road with access. And where the driveway would be for  
10 the other acreage or the other houses on there would both use the same one that I'm  
11 using now to connect with the extended roadway there. We are not requesting anything  
12 but - there's six children there and we're just dividing it for the family, not for any  
13 commercial. And we wanted to divide it accordingly [inaudible]. And when we left last  
14 month there were two questions as to whether or not the acreage or the percentage that  
15 we could do it. And the Committee was supposed to decide on what would be the legal  
16 thing or the best thing to do. And now we're here for an answer. We want to comply  
17 with it, with the – in order to have – that I would not have to throw away an acre to meet  
18 the requirement.

19 CHAIRMAN VAN DINE: Can I get you, please, state your name and your  
20 address?

21 MR. GLOVER: The name is Benjamin J. Glover. It's listed as B. J. Glover, 920  
22 Piney Woods Road, Columbia, 29210.

23 CHAIRMAN VAN DINE: Thank you. Does anybody have any questions?

1 MR. GLOVER: I'm the owner of it.

2 CHAIRMAN VAN DINE: Does anybody have any questions for the applicant?

3 MR. MANNING: Yeah, I do. Mr. Glover, did anyone discuss with you the  
4 possibility of losing lot 1 in bringing this plan into conformity with the code?

5 MR. GLOVER: Losing lot 1?

6 MR. MANNING: Excuse me?

7 MR. GLOVER: I wanted to understand your question.

8 MR. MANNING: Has anyone from Planning Staff discussed with you the  
9 recommendation that one lot be deleted in order to make this plan conform with the  
10 code?

11 MR. GLOVER: That was what I had reference to when I said they want to – to  
12 use the word - throw away a lot. That it isn't what I wanted to do.

13 **TESTIMONY OF GAIL GLOVER FOSTER:**

14 MS. FOSTER: I believe I can answer the question better. I'm Gail Glover Foster,  
15 his daughter, 920 Piney Woods Road. When we left the meeting the last time it was  
16 going to be researched, the ordinances about the RS-1 and about the one acre lot  
17 acreage. We have not received any information, only that it would probably not be  
18 accepted, but they were going to try and get it to be accepted because of the conflict in  
19 the two ordinances. So that's why we did not ask for a deferral or anything. We were  
20 waiting on the answer on whether you all would approve it or not based on the  
21 information that you had. My father would like to keep the lots as they are. As he said  
22 there are six children that he wants to leave the property to and to split.

1 MR. GREEN: It would strike me that the only way, given the county ordinance,  
2 that we've got 5.6 acres here, that if they've got to be a minimum of one acre to me it's  
3 not going to work no matter how you design it to be six lots. The only other alternative  
4 would be to come for a conventional subdivision approval showing a public road  
5 accessing the lots. And then they don't have to be one acre in size.

6 CHAIRMAN VAN DINE: But that requires an extensive –

7 MR. GREEN: Right.

8 CHAIRMAN VAN DINE: - paving of that driveway.

9 MR. PALMER: What about, Carl, what about the possibility – and this is just in  
10 my mind – of a shared driveway between lot 6 and lot 1, lot 1 accessing something  
11 through the rear of using that existing driveway that's on Piney Woods and having a  
12 cutover either behind the existing house or in front of it, some kind of way to access  
13 through that driveway? Then we could do what Mr. Manning was talking about.

14 CHAIRMAN VAN DINE: Mr. Gosline.

15 MR. GOSLINE: Well, the answer to your question, Mr. Palmer and Mr. Manning, I  
16 guess is there might be some other arrangements and processes that could work. The  
17 question is if y'all aren't of a mind to approve it subject to some conditions, then what is  
18 your action going to be and we'll go from there.

19 CHAIRMAN VAN DINE: I mean I guess – my problem is, as Mr. Green was  
20 saying, I don't see how you can get six lots on 5.6 acres and have each one of them an  
21 acre.

22 MR. CRISS: You could if two of them were RS-1 lots and four of them are private  
23 road lots. So divorce the private road from the other two lots altogether.

1 MR. PALMER: Right.

2 MR. CRISS: And have lot 1 share a driveway with 6 somehow, someway.

3 CHAIRMAN VAN DINE: Okay. But my point it is, as it is submitted to us –

4 MR. CRISS: Properly separated.

5 CHAIRMAN VAN DINE: - right now, it is as a private driveway subdivision.

6 MR. CRISS: Correct.

7 CHAIRMAN VAN DINE: We don't have the option, as it sits here today, to do that  
8 subdivision into RS-1's and then subsequently into a private driveway. This is what is  
9 before us.

10 MR. CRISS: Agreed.

11 CHAIRMAN VAN DINE: And while certainly those are options available, I don't  
12 see how we can condition anything based on what we have before us to get it into the  
13 one acre lot.

14 MR. CRISS: I'd suggest deferring it to retain the applicant's privilege of private  
15 road subdivision under the current code for redesign.

16 MR. PALMER: The reason I'd like to see it deferred, after hearing the applicant  
17 talk, he has six children. He needs to leave it to six. And if we could use the ingenuity  
18 of our Planning Staff to help him somehow achieve that 6<sup>th</sup> lot, I would like to see that  
19 happen and maybe bring it back to us next month and see if we can't get him six lots on  
20 here.

21 MR. JACKSON: Second.

1 CHAIRMAN VAN DINE: I certainly don't have any problem with deferring it. I  
2 don't want us to try and make a decision based upon conditioning on something that  
3 can't work based upon what's submitted.

4 MR. CRISS: It will require some thoughtful redesign.

5 CHAIRMAN VAN DINE: In essence, just so you understand what we're talking  
6 about, as it has been submitted to us the math does not work to divide it into six lots and  
7 to fit within the requirements of the private driveway subdivision. It has been  
8 recommended and a motion has been made to defer it until the next meeting to give you  
9 an opportunity to sit down with the Planning Staff and try and come up with a creative  
10 way of making it work for you so that you can get what you're looking for and bring it  
11 within the county requirements, as well. So we would not take a vote except to defer it  
12 until our next meeting. We have a motion and Mr. Jackson has seconded the motion for  
13 deferral until our next meeting to give him an opportunity. And I would ask that Planning  
14 Staff please make an effort to get with them as quickly as possible to try and work this  
15 out.

16 MR. GOSLINE: Mr. Chairman, for the Record, we did send them a letter shortly  
17 after last meeting about some possibilities to solve the objections that were raised last  
18 month. And once we got the opinion from the Legal I left a phone message to that  
19 regard. So we did have some communication with them. It's a complex issue, so.

20 CHAIRMAN VAN DINE: We have a motion and a second. All those in favor of  
21 deferral please signify by raising your hand.

22 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
23 *McBride]*

1 CHAIRMAN VAN DINE: Alright. Before you leave, can I ask that one of you step  
2 out right now and talk with them and try and set up a time to get together? Can Amelia  
3 do it real quick or Michael or somebody? Anybody. Somebody. Thank you. Next we  
4 have is SD-05-193. This is another private driveway subdivision, also. Is that correct?

5 **CASE SD-05-193:**

6 MR. GOSLINE: Mr. Chairman and Members, this one was up last time, as well.  
7 And one of the issues again was the access. The applicant has discussed the slight  
8 redesign of the access point to go through the SCE&G easement. And I have the plats  
9 here which I'll hand out. And they have that approval from the power company.

10 CHAIRMAN VAN DINE: And by redesign they would come within the  
11 requirements of the code?

12 MR. GOSLINE: Yeah. [Inaudible – away from mic]. Mr. Chairman and  
13 Members, based on the revised plat for this project, the Staff recommends approval.

14 MR. GREEN: I just had a brief question for Staff. I noticed on the first request for  
15 a private driveway subdivision we had 10, what appeared to be, fairly standard  
16 conditions. On this one we end up with a different combination of seven or eight. I'm  
17 just wondering why we don't have consistent conditions that apply to similar situations  
18 and we have to flip back and forth to see what conditions or why they're included on  
19 some and not others.

20 MR. GOSLINE: Mr. Green, the Staff reports are a template, a long list of things  
21 that we apply to each specific case. So these are not, as opposed to Mr. Glover, the  
22 issues here are considerably less complex, and so not all of them apply. For one thing,  
23 there's no water and sewer out here. There is water in the area, not sure how close.

1 So not all of them apply every time, so we just pick the ones that apply to the specific  
2 case.

3 MS. WYATT: Mr. Chairman, I'm going to make a motion for approval on this.

4 MR. GREEN: Second.

5 CHAIRMAN VAN DINE: Any discussion? All those in favor please signify by  
6 raising your hand.

7 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
8 *McBride]*

9 CHAIRMAN VAN DINE: Alright. That takes care of our old business. New  
10 Business under Subdivision Review. SD-05-111.

11 **CASE SD-05-111:**

12 MR. GOSLINE: Mr. Chairman and Members, this is a request for preliminary  
13 plans approval for Phase 1 of Wren Creek Estates. If you'll recall, Wren Creek Estates  
14 is a portion of the Planned Unit Development on Turkey Farm Road. It was granted a  
15 year or so ago. This is the first piece of it. Staff recommends approval subject to the  
16 conditions.

17 CHAIRMAN VAN DINE: There's adequate buffers and stuff built in along the  
18 edges of the road to protect the adjoining properties?

19 MR. GOSLINE: If you'll recall, in one of the conditions of the PUD was to offer a  
20 buffer yard to the adjacent property owners. Mungo Company's in the process of doing  
21 that. Plats have been prepared and I assume those negotiations are moving forward.

1 CHAIRMAN VAN DINE: I guess my reason for asking that, if I look at the plat, it  
2 looks like the road is right on the property line. It may be that the plat itself is so small  
3 that I can't see what's really there. But –

4 MR. GOSLINE: Well, yes. The entrance road – yeah, it does have some  
5 landscaping along side of it.

6 CHAIRMAN VAN DINE: Do you, by any chance, have any knowledge about the  
7 spacing along the edge? No.

8 AUDIENCE MEMBER: No. [Inaudible]

9 CHAIRMAN VAN DINE: Okay.

10 AUDIENCE MEMBER: That is how it's shown on the PUD map.

11 MR. GOSLINE: Yeah.

12 CHAIRMAN VAN DINE: I just can't – I think it's so small right here that, even with  
13 these bad eyes and these glasses, I can't see.

14 MS. LUCIUS: I couldn't see it either. I think 37 acres was supposed to be open  
15 space.

16 CHAIRMAN VAN DINE: That's the entire PUD.

17 MS. LUCIUS: That's the entire PUD. That's right.

18 MS. WYATT: Talking about buffering.

19 MR. GREEN: Mr. Chairman, I move for approval subject to conditions spelled out  
20 on page 26 of Staff Report.

21 MR. PALMER: Second.

1 CHAIRMAN VAN DINE: Any discussion? We have a motion for approval subject  
2 to the conditions on page 26. All those in favor please signify by raising your hand.  
3 Opposed.

4 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
5 *McBride]*

6 CHAIRMAN VAN DINE: Alright. Next we have is SD-05-33.

7 **CASE SD-05-33:**

8 MR. GOSLINE: Mr. Chairman and Members, this is a request for a subdivision  
9 approval off Broad River Road, basically adjacent to the Pine Grove Elementary School.  
10 Staff recommends approval subject to the conditions on page 37 and 38.

11 MR. FURGESS: Carl, on this one we already approved Phase 1?

12 MR. GOSLINE: Excuse me?

13 MS. LUCIUS: Huh-uh (negative).

14 MR. FURGESS: Approving this -

15 MR. GOSLINE: The whole thing, Phase 1 and 2.

16 MR. FURGESS: Okay.

17 MS. LUCIUS: What kind of structures are these? Are these town homes?

18 MS. WYATT: I think it's like mixed use, wasn't it?

19 MS. LUCIUS: Huh?

20 MS. WYATT: To be mixed sizes isn't it? Mixed use?

21 MR. GOSLINE: If I recall there'll be a mixture of – well, no. There're all going to  
22 be similar to, let's see, Elders Pond or Twin Eagles. But it sort of depends on what you  
23 call them. They're attached, single-family, one story.

1 MS. LUCIUS: It looks like four units attached.

2 MR. GOSLINE: For the most part. There are some three's. The applicant is  
3 here if you'd like to ask him some questions.

4 MS. LUCIUS: Yeah. I was just concerned about what kind of structures  
5 [inaudible].

6 MR. GREEN: Carl, it's, again, hard to read the plat.

7 MS. LUCIUS: It is hard.

8 MR. GREEN: The access into this subdivision is, if I can tell, not off Broad River  
9 Road. It's through other internal streets. Is that correct?

10 MR. GOSLINE: Yeah. It's through Huffstetler Drive, which is the street that  
11 separates the school from the project.

12 CHAIRMAN VAN DINE: This Cobblestone Lane. That's the entrance into – that  
13 is the one entrance into the development. Is that right?

14 MR. GOSLINE: Yes. That entrance is off of Huffstetler Drive.

15 MS. LUCIUS: I can't tell either. Is there going to be adequate buffering between  
16 these and that neighborhood of single-family homes?

17 MR. GOSLINE: Right. Yes. At the –

18 MS. LUCIUS: I can't see the plat very well.

19 MR. GOSLINE: Yeah. It didn't come out very well for some reason. There is a  
20 retention pond and all that down at the – well, what would be at the top of your page 43.  
21 Huffstetler Drive goes around the project, name changes, and it goes into the adjacent  
22 community. The units have been set off, considerably off, of the property lines of the

1 adjacent subdivision. And they would have to meet the landscaping buffering  
2 requirements.

3 MS. LUCIUS: Because that is a much more intense use.

4 MR. GOSLINE: Right.

5 MR. PALMER: What percentage of open space were they required to have here?

6 MR. GOSLINE: None. It's zoned RG-2.

7 MR. PALMER: It's not classified as cluster housing?

8 MR. GOSLINE: They came under straight zoning without the cluster. Besides  
9 that there is some certainly along, adjacent, to the property next door and at the bottom  
10 end of the property.

11 CHAIRMAN VAN DINE: Is Huffstetler a public road?

12 MR. GOSLINE: It's public down to the school entrance, which is past the  
13 entrance to the subdivision.

14 CHAIRMAN VAN DINE: Then it becomes private, school property?

15 MR. GOSLINE: Well, that's an issue of some discussion.

16 CHAIRMAN VAN DINE: I guess I have a little bit of a concern about exiting onto  
17 what appears to be the sole access into the school. The first thing in the morning that's  
18 going to be a disaster.

19 MR. GOSLINE: Wouldn't necessarily disagree with that.

20 CHAIRMAN VAN DINE: I mean people coming into that road – anybody that tries  
21 to turn left to go out on to Broad River, I mean they'll never make it.

22 MR. GOSLINE: Yep. The original design showed a separate entrance out onto  
23 Broad River and we said, "No, that ain't gonna work." So their entrance now is the best

1 alternative that we could come up with for the project. It is on the public portion of the  
2 road.

3 MR. JACKSON: What's the design capacity of that road, 8,600?

4 MR. GOSLINE: What, Huffstetler?

5 MR. JACKSON: Yeah.

6 MR. GOSLINE: Oh, it's not ranked.

7 MR. JACKSON: It's not ranked? Do you know how many vehicles per day the  
8 school uses?

9 MR. GOSLINE: You know, it gets down to the capacity entrance to the school.  
10 It's a typical suburban street.

11 MR. JACKSON: Yeah, but I mean the traffic generated by the school in the  
12 morning.

13 MR. GOSLINE: I don't have any idea what – I mean – but the school -  
14 elementary schools generate a fair amount of traffic but not an awesome amount.

15 MR. JACKSON: You're saying the project will generate 634 vehicles per day  
16 from 96 units?

17 MR. GOSLINE: That's because it's a multi-family rate. These units don't have as  
18 much –

19 MR. JACKSON: Multi-family rate.

20 MR. GOSLINE: Right.

21 MR. JACKSON: Okay. But you have no idea of how much the school will  
22 generate?

1 MR. GOSLINE: No. But elementary schools typically generate one – one and a  
2 half trips per student per day. So it's not a whole lot.

3 MR. JACKSON: Well, it depends on how many students.

4 MR. GOSLINE: Yeah, but even if they had 1,000, which they probably don't,  
5 you're still only talking about 4,500 trips.

6 MR. JACKSON: I understand. But that road was designed specifically for the  
7 school.

8 MR. GOSLINE: Well, it's a public road.

9 MR. JACKSON: I understand. But that's the only entrance to the school. It's like  
10 a school entrance as it exists.

11 MR. GOSLINE: Right, because the school doesn't front on Broad River Road,  
12 has no access to Broad River. This is their only way out.

13 MR. JACKSON: I'm sure it was built for the school. That's the only place that's  
14 using that road.

15 MR. GOSLINE: Yeah. As the Chairman said, there's certainly going to be some  
16 difficulties during a.m. and p.m. – well, particularly a.m. – peak hour. But I don't know  
17 what the alternative is.

18 CHAIRMAN VAN DINE: Hold off a minute. Mr. Criss, we're having problems  
19 hearing what's going on up here. Thank you. Does this property border on that  
20 Donovan Drive?

21 MR. GOSLINE: Excuse me?

22 CHAIRMAN VAN DINE: Does this property border on Donovan Drive or is there  
23 another lot?

1 MR. GOSLINE: Well, somewhere – I assume right where Huffstetler turns around  
2 what is the bottom end of the property and heads west the name changes to Donovan.

3 CHAIRMAN VAN DINE: And my question – if I'm looking on page 43 of our  
4 agenda, at the top of that on page 43 it looks like that Donovan Drive runs right along  
5 the edge of the property. What is the size of Donovan Drive? What would happen if an  
6 access point were made on to Donovan Drive so that you're not going to get a disaster  
7 at the school area?

8 MR. GOSLINE: The applicant is here. I think they've had some discussions  
9 about that but I don't recall.

10 CHAIRMAN VAN DINE: Do you want to come down and maybe you can answer  
11 some of the questions we've got a little bit easier?

12 **TESTIMONY OF GARY BURCH:**

13 MR. BURCH: Gary Burch. My address is 96 Stirrup Drive, North August, South  
14 Carolina 29841.

15 CHAIRMAN VAN DINE: Do you understand the discussion we're having up here  
16 about the access points and the school and all the rest of it?

17 MR. BURCH: I do. The first 800' of Huffstetler Road is a public road.

18 CHAIRMAN VAN DINE: Um-hum (affirmative).

19 MR. BURCH: From there on Richland County School District owns and maintains  
20 the rest of the road all the way to Donovan Drive. We approached Richland County  
21 School District to gain access to their private road. And they had expressed an interest  
22 in the county taking their private road. And they seemed like they would – that would be

1 something they would want to do. But it came right down to it and they didn't want to  
2 give up their private road.

3 CHAIRMAN VAN DINE: Does the property that you have, that you're developing,  
4 have access, while it doesn't show it now, would it have access onto Donovan Drive?

5 MR. BURCH: It does not.

6 CHAIRMAN VAN DINE: So there is property owned by others bordering  
7 Donovan Drive?

8 MR. BURCH: No, sir. Huffstetler goes all the way to Donovan.

9 CHAIRMAN VAN DINE: Right. I –

10 MR. BURCH: We own the first – the county is the first 800' off of Broad River and  
11 then it's private all the way to Donovan.

12 CHAIRMAN VAN DINE: I understand that. I'm looking at – and perhaps  
13 somebody can show him the – it's the Attachment A, 2 of 2, appears to be the back  
14 section of your plan. And if you - probably Phase 2 if I'm reading your - phase 2 portion  
15 of it.

16 MR. BURCH: I have that.

17 CHAIRMAN VAN DINE: If you look at that all the way at the top – or actually, if  
18 you're looking at it correctly, on the left hand side. Donovan Drive runs right along the  
19 edge there. And my question was whether or not an access point could be made to  
20 access onto Donovan Drive because I'm seriously concerned about people having to  
21 turn left, which is the only direction they would go out of your development in the  
22 morning, while everybody's bringing their kids in to school.

23 MR. BURCH: That is a light. There is a light there with a turn lane.

1 CHAIRMAN VAN DINE: I'm not talking about Broad River. I'm talking about at  
2 Huffstetler and –

3 MR. BURCH: I get you.

4 CHAIRMAN VAN DINE: - and Cornerstone Lane where you have right there.  
5 When somebody comes out of that they're going to sit there because I take my kids to  
6 school in the morning. I know how long you wait to make a left-hand turn with  
7 everybody trying to get by. So my question would be whether or not there is the ability  
8 to access Donovan at the other end, put another entrance in which would be an  
9 alternative route for people to get out of that development as opposed to trying to fight  
10 the school traffic.

11 MR. BURCH: We don't have access to Donovan. The only thing we have access  
12 to is the private Huffstetler.

13 CHAIRMAN VAN DINE: So your property does not run up to the easement, or  
14 the right-of-way, to Donovan?

15 MR. BURCH: Our very corner does, yes, sir.

16 CHAIRMAN VAN DINE: Is it possible to take a road to that corner down there to  
17 do that?

18 MR. BURCH: We just border it. We don't own any frontage on Donovan at all.  
19 Their private road ends on that line you see.

20 MR. GREEN: What happened is Donovan really ends here. The rest of this is all  
21 private.

22 CHAIRMAN VAN DINE: Oh.

23 MR. BURCH: We don't have any frontage at all on Donovan.

1 MS. LUCIUS: I see.

2 CHAIRMAN VAN DINE: But Donovan basically ends at your property line and all  
3 the rest of it is –

4 MR. GREEN: The private road for the school?

5 MR. BURCH: That's correct.

6 MS. WYATT: I noticed in the Staff Report that the Fire Marshall has not given  
7 approval to the single access.

8 MR. BURCH: I've met with them.

9 MS. WYATT: What are you going to do if they're requiring a second access?

10 MR. BURCH: I met with the Fire Marshall's office and they gave me the  
11 recommendations on what to use, what type of turnarounds, and said that would meet  
12 their approval; a hammerhead turnaround on one end and a cul-de-sac on the other.

13 MS. WYATT: And they said nothing about a second access point?

14 MR. BURCH: No, ma'am, because that's why I approached them. When we first  
15 tried to do it, we wanted two accesses but Richland County School District doesn't want  
16 to give up their private part of that road and we weren't able to gain access [inaudible].  
17 We want –

18 MS. WYATT: I guess in my almost eight years this is my first time of hearing that  
19 a school controlled a private driveway, if you want to use that word. I'm just –

20 MR. BURCH: It was built to county specs. They didn't want to turn it over. We  
21 had meetings with them.

22 MS. WYATT: Which school district is that?

23 MR. BURCH: Richland 1.

1 MR. JACKSON: [Inaudible] they're saying 'no'.

2 MS. WYATT: So I mean, you know, in some ways I see this as the school district  
3 holding this development hostage, in a way. And I just don't think that's right, especially  
4 of a public body like a school.

5 MR. BURCH: Kind of how we felt.

6 MR. GREEN: All they would need is to make 100' of that private drive coming off  
7 of Donovan public. I mean they don't have to open that whole road up. All they have  
8 got to do is let that road become public for another 50 to 100' and you've solved a huge  
9 issue. And they're not willing, even, to open up some small portion of that road?

10 MR. BURCH: No, sir. We tried to just gain access to their private road.

11 MS. WYATT: And what is -

12 MR. BURCH: If we were to do that, if we were to gain access to their private  
13 road, our road cannot be, then, brought into the county. It couldn't be a county road if it  
14 accessed a private road. The county would - they would, in turn, [inaudible].

15 MS. WYATT: The county would not take your subdivision, is that what you're  
16 saying?

17 MR. BURCH: Our road.

18 MS. WYATT: Well, that's what I'm saying. Your subdivision. Your roads within  
19 your subdivision.

20 MR. BURCH: The roads within the subdivision.

21 MS. WYATT: The county will not take them for what reason? Say that again.

22 MR. BURCH: Because it's accessing a private road.

1 MS. WYATT: In other words, they won't cross over a private road to get into  
2 county maintained roads. You know, I go back to what I said a few minutes ago. Then  
3 the school district is literally holding even now the county as a hostage.

4 MR. BURCH: And from the –

5 MS. WYATT: It's not right.

6 MR. BURCH: From the traffic flow, I didn't see a traffic flow problem with what  
7 they had. I may be wrong, with the report they had. They can also turn – come off  
8 Cobblestone. Instead of turning left they can turn right and go around Donovan and  
9 [inaudible].

10 CHAIRMAN VAN DINE: But that's a private road and I'll bet you that the school  
11 district would have a major problem with people taking a right to run past their school  
12 down onto – take a loop down onto Donovan.

13 MR. GOSLINE: So would the neighbors. But there wouldn't be a whole lot of  
14 advantage to go backwards and go way around to get back out to –

15 CHAIRMAN VAN DINE: Except you might actually get into the flow of traffic.

16 MR. GOSLINE: Well, that's true.

17 MS. LUCIUS: Might actually get out. You're not going to turn left on Broad River  
18 in the morning. You're not.

19 MR. PALMER: Is there a center retention lane there? Is there a center retention  
20 lane there?

21 MR. GOSLINE: On Broad River Road? I don't –

22 MS. LUCIUS: You don't see the traffic come out of Broad River. I do.

1 MR. GOSLINE: There is most of the way. But I couldn't say for sure if it's right  
2 opposite there on Broad River Road.

3 MR. PALMER: Do you know if there's a center retention lane out front?

4 MR. BURCH: There is a turn lane there. I'm assuming there is.

5 MS. LUCIUS: That wouldn't help anything, Patrick. Believe me.

6 MR. PALMER: I don't see any other option [inaudible] property that to access it  
7 from Broad River. This is the only other option.

8 MR. JACKSON: Can't support that.

9 CHAIRMAN VAN DINE: This may be just the way the mapping works out, but on  
10 page 40, the property that we're looking at appears to go well past Donovan.

11 MR. BURCH: That's an old map. Two acres was sold to the county, Richland  
12 County School 1.

13 CHAIRMAN VAN DINE: Okay. So that just hasn't made it into our system, that  
14 dividing up. Okay.

15 MR. BURCH: It was a 14 acre tract. Now it's a 12. Two acres [inaudible].

16 CHAIRMAN VAN DINE: And that would be the two acres at the bottom end of it.

17 MR. BURCH: To give them that road.

18 CHAIRMAN VAN DINE: Sometimes you need to be careful of what you get.

19 MR. BURCH: That was before us.

20 MS. WYATT: Are we sure, then, that the school district bought that? He's saying  
21 the county, but I'm sure it would have had to have been the district. There's not some  
22 kind of language, maybe in the deed somewhere that would allow access to that? I'm  
23 just having a real hard time with this private driveway for a school.

1 MR. GOSLINE: Well, Gary's had some conversation – Mr. Burch has had  
2 conversations with them.

3 MS. WYATT: I'm sorry. Who has? You put your hand up.

4 MR. GOSLINE: Mr. Burch, the applicant, had conversations with the school  
5 board and the reason they did it was because – to give people coming out of the school  
6 and into the school an alternative access to the school. So the school owns the  
7 property to do that. This project – the access to this project – is off the public portion of  
8 Huffstetler Road.

9 MR. PALMER: I agree with Ms. Wyatt. I don't like it either that a public school  
10 uses public funds to buy a road that you can't access for the public. I don't like that. I  
11 don't know that there's a whole lot we can do about it.

12 MR. JACKSON: Well, maybe the school has concerns about the traffic problem.  
13 That's why they deny it.

14 CHAIRMAN VAN DINE: I mean schools can put roads and tracks and whatever  
15 they want to on their own property for their own personal use. The problem I'm having  
16 is that with what we've got that we only have one real direction to go out of this  
17 development and that's crossing the traffic that's trying to get into the school in the  
18 morning. It wouldn't be as big a deal in the evening because people are coming home.  
19 But the morning traffic is going to be horrible in that. And especially as construction  
20 traffic starts to place and other things like that and so on. You're going to have  
21 construction interferences and -

22 MR. PALMER: Well I'm not really as concerned for the school because if they  
23 wanted to they could give them access. May have some concern for the people who

1 live in the neighborhood. But the construction traffic for the subdivision I wouldn't be as  
2 concerned about that because the school's making their own problem there, I guess,  
3 [inaudible].

4 CHAIRMAN VAN DINE: I'm worried more about the parents and the people  
5 coming in to drop the kids off at the school itself. They didn't have a choice and - but  
6 realistically, I'm not sure we have - if the access cannot be made into Donovan, I'm not  
7 sure that we have a lot - we can wring our hands all we want to up here. But, ultimately,  
8 we're stuck with what we're stuck with.

9 MR. BURCH: And access to Broad River would be too close to the red light if we  
10 accessed it from Broad River.

11 CHAIRMAN VAN DINE: Right.

12 MS. WYATT: Let me ask a question both of Staff and/or Legal Department. How  
13 much trouble would it be to find out if there is another school within the county that has  
14 a private driveway like this?

15 MR. GREEN: Lot's of them.

16 MS. WYATT: Hum? Lot's of them do? Okay.

17 MR. CRISS: I imagine that's several weeks worth of research.

18 MS. WYATT: Don't bother. Mr. Green tells me there's several, so.

19 CHAIRMAN VAN DINE: Alright. Well, what are you going to do about this?

20 MR. GREEN: Mr. Chairman, I would move that we approve the subdivision  
21 subject to conditions stated on page 37 and we also, on behalf of the Planning  
22 Commission, write a letter to Richland County School District 1 requesting they review

1 the possibility of opening up a small portion of Donovan Road dedicating it as a public  
2 road to provide a second, rear access point to this subdivision.

3 MS. WYATT: I'll second that motion.

4 MS. LUCIUS: But if they don't, we're putting 96 units on one access road with a  
5 school.

6 CHAIRMAN VAN DINE: I will make a request of the motion, if we could, that we  
7 divide it into two separate motions. One relates to the application before us. The other  
8 is certainly an administrative act that we can make on the behalf of the Planning  
9 Commission. But I don't want it to tie it into the approval.

10 MR. GREEN: Agreeable.

11 MS. WYATT: I'll withdraw my second.

12 MR. GREEN: So I move approval subject to conditions specified in Staff Report  
13 on page 37 and 38.

14 CHAIRMAN VAN DINE: Do we have a second?

15 MS. WYATT: Second.

16 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand. All  
17 those opposed.

18 *[Approved: Palmer, Furgess, Wyatt, Green, Manning; Opposed: Lucius, Jackson, Van*  
19 *Dine, McBride]*

20 MR. GREEN: Mr. Chairman, I would move that the Planning Commission write a  
21 letter to Richland District 1 requesting that they review the possibility of opening up  
22 several hundred feet of Donovan Road as a public road to provide a second access  
23 point for this development.

1 MS. WYATT: And may I add to your motion, Mr. Green, and say that in  
2 addressing that letter let's state that the purpose of that is for safety.

3 CHAIRMAN VAN DINE: And lack of interference with morning traffic into the  
4 school. Is that a second?

5 MS. WYATT: That is a second.

6 CHAIRMAN VAN DINE: We have a motion and a second to try and address the  
7 issue of an additional access point into the back for safety purposes from the Planning  
8 Commission, not from the applicant, himself. All those in favor please signify by raising  
9 your hand.

10 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
11 *McBride]*

12 MS. LUCIUS: I guess I can do that even though I voted against it. There's a  
13 concern about the safety of that many people using one entrance.

14 CHAIRMAN VAN DINE: As I understood the vote, the subdivision has been  
15 approved on a 5-4 vote. Is that correct?

16 MR. CRISS: Correct.

17 CHAIRMAN VAN DINE: So the subdivision has gained approval. And if Staff  
18 could try and draft a letter and get it to me I'll be happy to doctor it up and send it out.

19 MS. WYATT: State our case well?

20 CHAIRMAN VAN DINE: Alright. The next two on our agenda have been  
21 deferred. Those were SD-05-193 and 206. Next we have is SD-05-203 on page 66.

1 MS. WYATT: Mr. Chair, can I just ask a question of Staff in regards to the Jacobs  
2 Creek Project? Was that withdrawn pending completion of the letter that we received  
3 from Staff on some things that they have not completed?

4 MR. GOSLINE: Yeah. We met with the applicant last week and they agreed to  
5 defer to get some – finish filling the – address some of the issues in our letter.

6 MS. WYATT: Thank you.

7 CHAIRMAN VAN DINE: Alright, Eagles Rest.

8 **CASE SD-05-203:**

9 MR. GOSLINE: Mr. Chairman and Members, this is a subdivision request for a  
10 project which was rezoned not too long ago, now known as Eagles Rest out on Johnson  
11 Marina Road and Richard Franklin Road. Staff recommends approval subject to the  
12 conditions on page [inaudible].

13 MS. WYATT: Mr. Chair, I'm going to make a motion for approval based on  
14 conditions being completed, on page 70, by the applicant.

15 CHAIRMAN VAN DINE: Do I hear a second?

16 MR. MANNING: Second.

17 CHAIRMAN VAN DINE: Any discussion?

18 MS. LUCIUS: I have one question.

19 MR. GOSLINE: Who – I'm sorry. Who was the second?

20 CHAIRMAN VAN DINE: Mr. Manning was the second.

21 MS. LUCIUS: Mr. Manning. I know when we were looking at this in October, we  
22 were looking at open space of 16% and Mr. Margle said at that time that he was going

1 to try to increase that. Was it? Do you know how much, what percent of this, is open  
2 space?

3 **TESTIMONY OF TOM MARGLE:**

4 MR. MARGLE: Tom Margle, 5847 Shakespeare Road. When we left the  
5 Planning Commission we had County Council. We had several further meetings with  
6 the community. And we increased the open space and reduced density down to 220. I  
7 want to say, without having documents in front of me, we're at full compliance with the  
8 open space requirement of 19%. We increased it. But I need to go back in my records.

9 MS. LUCIUS: That's okay. I know at the time you didn't know because the roads  
10 hadn't been laid out and I was just curious about it.

11 MR. MARGLE: Yes. It increased -

12 MS. LUCIUS: Okay.

13 MR. MARGLE: - quite a bit, like I said. And density came down.

14 MS. LUCIUS: That was my only question. Thank you.

15 CHAIRMAN VAN DINE: We have a motion for approval and a second. All those  
16 in favor please signify by raising your hands.

17 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning,*  
18 *McBride]*

19 MS. LUCIUS: Could I have a minute?

20 CHAIRMAN VAN DINE: Certainly.

21 MS. LUCIUS: When we have plats that are five pages, could you do them one  
22 side so we could cut and paste?

23 MR. CRISS: Single page.

1 MR. GOSLINE: Yeah, I guess we could.

2 MS. LUCIUS: It's hard to look at –

3 MR. CRISS: Yeah, it is.

4 MS. LUCIUS: - and know what you're looking at.

5 MS. WYATT: And you want a tree cut down, Ms. Lucius, to make you have more  
6 paper? Shame on you!

7 MS. LUCIUS: Recycled paper. No trees. But, no, seriously, because we could,  
8 you know, put all this together and make sense of it.

9 MR. GOSLINE: We'll try to do that. It significantly complicates production of the  
10 reports.

11 MS. LUCIUS: If it does, then that's okay. I can photocopy it do it. Just didn't  
12 have time.

13 CHAIRMAN VAN DINE: Alright. We are now into our public session, the Zoning  
14 Map Amendments. We're going to try and run through a few of these before we take  
15 another break. And I can tell we are going to need to take another break, however, at  
16 some point because there are a lot of them on our agenda. First case we have is 05-42  
17 MA, which has been deferred from our March meeting.

18 **CASE 05-42-MA:**

19 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone a sort of  
20 triangular shaped piece - not even triangular – a funny shaped piece of property, shown  
21 to you on page 87, from RU to C3. There is an existing commercial facility on there that  
22 has been there for some time via the old special exception process. The Staff  
23 recommends denial. At last month's meeting y'all denied a project further - closer to the

1 interchange. And Staff recommends this one also be denied for the reasons stated  
2 basically in pages 83 and 84. The applicant, I believe, is here, Mr. Chairman.

3 CHAIRMAN VAN DINE: Mary Lee.

4 **TESTIMONY OF MARY LEE:**

5 MS. LEE: Mr. Chairman and Commission Members, the owner of this property is  
6 also here. Does he need to speak before I do? Does he have that opportunity?

7 CHAIRMAN VAN DINE: He will have the opportunity, as well, if he wishes to.

8 MS. LEE: I'll just go ahead. It doesn't matter.

9 CHAIRMAN VAN DINE: If you'd state your name and your address for us,  
10 please.

11 MS. LEE: Mary Lee and I live at 444 Rimer Pond Road in Blythewood.

12 MR. FURGESS: Could you speak up a little louder, please?

13 MS. LUCIUS: Can you hear?

14 MS. LEE: To start with, I don't want anybody here to think that I approve of spot  
15 zoning because any of you that's been here for any length of time knows that people in  
16 Blythewood do not like spot zoning. Where the location for Mr. Warrington's property is  
17 – I don't know if you've had a chance to go out there and view it personally or not – but  
18 it's almost deadlocked to any other use other than continuation of this commercial  
19 where he already has a facility. I'm not sure what the administrative angle was or  
20 response to denying it being changed. He runs a business there, now. And his request  
21 warrants – well, really it's a personal matter. He's going back to secure financing to  
22 increase the size of his building. And they will not approve that under a special  
23 exception. So this is why he's requesting a change on it. In and around that area

1 there's already, you know, zoning M-1, C-3, several others in the general vicinity of it.  
2 And like I said it is deadlocked within that triangle to do anything else with it. I'm just  
3 here in support of that because I do live in Blythewood. I've been knowing Mr.  
4 Warrington for the last 100 years. And I do know that he has good intentions at heart.  
5 And I think when he comes up and explains to you why he wants to move his facility  
6 from where it's currently located to this property on 555 and Highway 21 you'll  
7 understand it a little bit better. But if you have any further questions for me I'll be glad to  
8 answer them.

9 CHAIRMAN VAN DINE: Thank you. You want to come up and speak?

10 MR. WARRINGTON: Thank you, Mr. Chairman.

11 CHAIRMAN VAN DINE: Microphone if you could. Just lift it up a little bit.

12 **TESTIMONY OF CHARLES WARRINGTON:**

13 MR. WARRINGTON: This is not my forte, but I'll try. In '91 –

14 CHAIRMAN VAN DINE: If you could give your name and address. I'm sorry.

15 MR. WARRINGTON: Oh. Charles Warrington. Home address is 1442 Winya  
16 Drive, Columbia.

17 CHAIRMAN VAN DINE: Thank you.

18 MR. WARRINGTON: And the address of this property is 10500 Wilson  
19 Boulevard, Blythewood. And I bought it in '91 and at that time we were building a  
20 building and Mr. Brown was one of the people that we worked with in Richland County.  
21 And to speed it up to be able to open a business, we got the special exception that still  
22 exists. Now I have gotten involved in an Internet sales thing, but I'm having to rent a  
23 warehouse in Camden, South Carolina, which is a lot further from home than

1 Blythewood. I would like to move that and build a storage building adjacent or close to  
2 the present 1900 square feet so that I could move my Internet sales, which is three  
3 computers and five people, [inaudible] Blythewood. But when I approached the bank  
4 about a loan to do this updating and storage building and whatnot, they said, "Fine."  
5 And then their attorney found this special exception zoning and said, "You can't do that  
6 until you have it changed to commercial." So that's about where I'm stuck right now.  
7 And the bank won't - they won't continue on with the financial assistance until it is  
8 changed.

9 CHAIRMAN VAN DINE: Okay. Thank you. Anybody have any questions for the  
10 applicant or Staff? Those are the only people that are signed up for this.

11 MR. MANNING: Carl?

12 MR. GOSLINE: Yes, sir.

13 MR. MANNING: Can someone operate indefinitely with a special exception? I  
14 know there's a whole other issue with the bank financing, but that person could operate  
15 this business, as is, indefinitely?

16 MR. GOSLINE: Right. As long as they stay within their parameters of the special  
17 exception conditions, which in this case limits the kind of business to, basically, what's  
18 there.

19 MR. MANNING: What if he had a fire and part of it was destroyed?

20 MR. GOSLINE: Well, that's primarily why he wants to get it rezoned, because he  
21 would be in - he would not be able to rebuild.

22 MR. GREEN: Mr. Chairman, you know, in looking at this piece of property, you're  
23 talking about something that fronts for 1,000' more, or less on, on a railroad track. It's

1 other two boundaries – there's one small other boundary – is Farrow Road and Wilson  
2 Boulevard, which I don't think anybody would think this property could ever be used for  
3 anything other than the rezoning request. And I would, therefore, make a motion that  
4 we send this forward with a recommendation of approval.

5 MR. PALMER: Second.

6 CHAIRMAN VAN DINE: We have a motion to send this forward with a  
7 recommendation of approval and a second. Is there any discussion?

8 MR. JACKSON: I just had some concern about, if it's rezoned as a C-3, any  
9 addition onto that building and additional driveways, I'm just concerned about driveways  
10 and other types of business that would be on that property in a C-3 zoning.

11 MR. GREEN: This will convert to the GC under the new Land Development  
12 Code. And all the driveway separation standards and the reduced range of uses that  
13 are in the new GC district will then apply to this.

14 MR. GOSLINE: And he already has curb cuts on both roads.

15 MS. WYATT: He doesn't have, really, what you'd call a curb cut. The whole thing  
16 is driveway, the whole 1,000'.

17 MR. GOSLINE: I was being a little liberal in my definition. You're correct.

18 [Inaudible discussion]

19 MS. WYATT: I mean I'm, you know, state the facts! The whole thing is a –

20 MR. GOSLINE: It's a big curb cut.

21 MS. WYATT: And actually it needs to be limited with whatever is done, truly.

22 MR. JACKSON: That's just my concern.

1 MR. GREEN: Our new code will take that – when this converts to a GC those  
2 driveway separation standards will impact this property, correct?

3 MR. GOSLINE: According to the criteria. But the reality is he's already got them.  
4 He's got this unlimited thing, so. Through the site planning process, if they were to do  
5 any significant building, they would.

6 MS. ALMEIDA: I was told that he would have a problem with the conversion with  
7 the warehouses. That is not necessarily allowed in a GC.

8 MS. LUCIUS: Are you saying that what he just said he wanted to do he wouldn't  
9 be allowed to do, Anna?

10 MS. ALMEIDA: He would be limited.

11 MS. WYATT: Limited in what way?

12 MR. GREEN: The number of square feet.

13 MS. ALMEIDA: Square footage.

14 MR. GOSLINE: As requested, retail sales and office space.

15 MS. ALMEIDA: Office space.

16 MR. GOSLINE: The applicant has requested retail sales and office space on this  
17 site. The warehouse, I hope he isn't planning on putting warehousing there. And we  
18 had some conversation with him. I think he understands that.

19 MS. WYATT: Well, obviously he didn't because he just stood there and stated  
20 that's what he intended to do.

21 MR. GOSLINE: Ask him.

22 MS. ALMEIDA: The application clearly states 'retail sales and office space.'

1 CHAIRMAN VAN DINE: Is storage, as part of retail and office space, allowed as  
2 an accessory use or something? Because there is, even with retail space, and there is  
3 a certain amount of storage that could be done in conjunction with the store or the  
4 operation it has.

5 MS. ALMEIDA: Yes.

6 CHAIRMAN VAN DINE: It just can't be a freestanding warehouse, in and of itself.

7 MS. ALMEIDA: That is correct.

8 MS. LUCIUS: I tried to do a study of the entire length of Highway 21. [Laughter].  
9 I wouldn't want this to start commercial at that end of 21. Are you looking at this as  
10 pretty much an isolated case?

11 MR. GREEN: We've got something bounded by two major roads and a railroad  
12 track.

13 MS. LUCIUS: Right.

14 MR. GREEN: A small piece of property.

15 MS. LUCIUS: But you don't see it coming on down 21?

16 MR. GOSLINE: Mr. Chairman?

17 CHAIRMAN VAN DINE: Yes.

18 MS. WYATT: It's there to come on down 21, Ms. Lucius.

19 MS. LUCIUS: Yeah, I know.

20 MR. GOSLINE: I think –

21 MS. WYATT: We may not want it.

22 MR. GOSLINE: - the Department's primary reason for recommending denial was  
23 at some point in time this whole area – same argument we made last time – may end up

1 being commercial or light industrial, whatever, but not right now, you know. And we  
2 always argued in zoning cases that it may be appropriate at some point in time but not  
3 necessarily right now. Had Lucent gone in all this would have been commercial or light  
4 industrial or whatever already, but it hasn't. And you've got the big red glob – and  
5 notice that very scientific term 'big red glob' – on page 83 in the center of your map.  
6 You all questioned why. That's some 30 acres already zoned C-3 and you all were  
7 questioning that at the last month's meeting, so. That's why the Department  
8 recommended not necessarily – our point is, just at this point in time, we think it's  
9 premature and not necessary.

10 CHAIRMAN VAN DINE: This piece of property reminds me of the area out in  
11 Ballentine that we dealt with where we started with one little piece under the same idea.  
12 It's bounded by the railroad, etc., etc. Now I would venture to guess that there isn't  
13 anything except a commercial strip along, bounded back by the railroad track or  
14 whatever. I'm not opposed, frankly, to this request at this intersection. What I am  
15 opposed to is the idea that it opens the floodgates to additional coming down the road,  
16 or taking that triangular piece at the corner and saying, "Oh, well that's now got  
17 commercial over there and that's bounded by two roads. Let's hop over on the other  
18 side of the road and let's do it on the other side of the road." Those are the issues that I  
19 think we need to be aware of when we make these decisions, that we are, in fact,  
20 setting a precedent for future actions down the road. I am in favor, frankly, of this piece  
21 of property because of the fact it has a road on one side and a railroad on the other  
22 side. And nobody's going to do anything in that piece of property except, basically,  
23 some commercial use, so. But I want us to be aware if anything comes across the

1 street or further down the road that we should not be extending this beyond what we  
2 looking at.

3 MS. LUCIUS: But we did deny one last month on down the road -

4 MR. GOSLINE: Um-hum (affirmative).

5 MS. LUCIUS: - as a C-3. And it was right across the street from [inaudible] C-3.

6 MR. GOSLINE: That's correct. It's basically the piece that's right at the bottom of  
7 the zoning map on the west side of Wilson Boulevard.

8 MS. WYATT: Is that the piece, though, that County Council gave - we unanimous  
9 - well, or pretty much unanimous - denied that but County Council has approved?

10 MS. LUCIUS: Was that for the frame shop?

11 MS. WYATT: That's the one.

12 MS. LUCIUS: Oh, they did? I didn't know that.

13 MS. WYATT: County Council approved it. So.

14 MS. LUCIUS: I didn't know that.

15 MS. WYATT: It's not us that's opened the flood gates.

16 MR. GOSLINE: Yes. That's correct. They got first reading in March.

17 MS. LUCIUS: Because we had requested that it come back as a C-1, possibly.

18 MR. GOSLINE: Excuse me?

19 MS. LUCIUS: We had requested that it come back as a C-1 and not put anymore  
20 C-3 in there. But they overturned our - they disregarded our recommendation?

21 MS. WYATT: It's been awhile since we approved some changes there on Osprey  
22 Court and in that area. But there's going to be some commercial in the front there, too,  
23 of that isn't there?

1 MR. GOSLINE: No. That's Eagles Glen.

2 MS. WYATT: No. Not Eagles Glen. Oh! That's right Osprey Court is, I'm sorry.  
3 You're right. [Inaudible]. I'm thinking Willow Lakes. I'm sorry.

4 MR. GOSLINE: Right. They'll be up next month with the last piece of Eagles  
5 Glen.

6 CHAIRMAN VAN DINE: Do I hear a motion on this request?

7 MR. GREEN: There's a motion on the floor.

8 MR. GOSLINE: You have a motion and a second for approval, Mr. Chairman.

9 CHAIRMAN VAN DINE: Any further discussion?

10 MR. CRISS: Mr. Chair, for clarification, if I may? The new Land Development  
11 Code GC, general commercial zoning district, does allow warehousing as an accessory  
12 use up to 12,000 square feet of gross floor area.

13 MR. GOSLINE: He hasn't got that much room.

14 CHAIRMAN VAN DINE: All those in favor of sending this request forward with a  
15 recommendation of approval please signify by raising your hand.

16 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Manning;*  
17 *Opposed: McBride]*

18 CHAIRMAN VAN DINE: For the purposes of the Record since it is in  
19 contradiction of the Staff's recommendation, I believe that the discussion relative to the  
20 roads and the railroads and the other issues that we have had be the basis for going  
21 against the Staff recommendation. And, so for the purposes of support or justification, I  
22 would request that the discussion on this particular item be attached as part of our basis  
23 for the vote.

1 MR. CRISS: Mr. Chair, could I clarify that vote. Was that eight?

2 CHAIRMAN VAN DINE: All those in favor. All those opposed.

3 MR. CRISS: One. Thank you.

4 CHAIRMAN VAN DINE: Alright. When is the next meeting for County Council?

5 MR. GOSLINE: You mean for zoning?

6 CHAIRMAN VAN DINE: Yeah.

7 [Inaudible discussion]

8 CHAIRMAN VAN DINE: We are simply a recommending Body. It will go forward  
9 to County Council with a recommendation that it be approved for the change to a C-3.  
10 County Council does have final say on those. And the meeting will be April 26<sup>th</sup> here in  
11 these chambers. The property has been posted, I believe, as to the date and time for  
12 that, as well. So you'll need to come back additional - before County Council. Next we  
13 have 05-43-MA.

14 **CASE 05-43-MA:**

15 MR. GOSLINE: Mr. Chairman and Members, this a request to rezone a 6.7 acre  
16 parcel on the west side of Hazelwood Road approximately ¼ mile north of Garners  
17 Ferry Road from D-1 to RG-2. The Staff recommends denial based on the discussion,  
18 mostly on the discussion on pages 95 and 96. And, again, this is a situation where it  
19 may be – the Department feels that it may be appropriate in the future but there's no  
20 particular need to do it right now. I'm sure - Mr. Fuller is here representing the  
21 applicant.

22 CHAIRMAN VAN DINE: Mr. Fuller, please.

1 **TESTIMONY OF ROBERT FULLER:**

2 MR. FULLER: Thank you, Mr. Chairman. My name is Robert Fuller. I live in  
3 Columbia and my office address is 1728 Main Street. I am here this afternoon as  
4 representative of the McElveen family and some family partnership that control two  
5 pieces of property that are adjacent to each other on Hazelwood Road just north of its  
6 intersection with Garners Ferry Road. The two applications are 05-43, which we are  
7 dealing with at the moment, followed immediately by 05-44 that is an adjacent piece of  
8 property and the zoning request is slightly different. So there are two separate parcels,  
9 but I call that to your attention because there is, at this point before you, or will be at this  
10 point before you, in the concurrence of these properties in this meeting, a rezoning of  
11 the entire holding of this basically eight acres and a little more on Hazelwood at the  
12 intersection of Garners Ferry. The discussion that you folks just had I think was very  
13 relevant and germane to most of what we're talking about in connection with the  
14 conversion of this property at this time in accordance with the requests that are being  
15 made. By way of a little bit of history, this property has been zoned D-1 in Richland  
16 County, I believe, since the inception of countywide zoning. I believe it was done in  
17 1976 when the county rezoned. The property has no projected project process in place  
18 at this time. It is not being requested for rezoning in order to accommodate an  
19 immediate use. It is, in part, adjacent to city limits of Columbia. There is no necessity  
20 at this point in time for the development of a plan that includes water and sewer  
21 because that would require conversation with the City of Columbia and, indeed, an  
22 annexation under their rules of engagement for matters of project development in areas  
23 in which they are extending outside of the city. What we do have in prospect, however,

1 is on July 1<sup>st</sup>, if nothing else is done with this property, what is now a piece of property  
2 zoned D-1 immediately adjacent to C-3 zoning on one side, RG-2 zoning on the other,  
3 and commercial zoning across the street from it, is going to be converted to RU.  
4 There's no reason in the world for this eight acres to be plopped down – I think  
5 somebody's terminology was a few moments ago – into an area that is already  
6 identified at that intersection of Hazelwood and Garners Ferry, essentially, as being  
7 commercial on the frontage of both Garners Ferry and Hazelwood on the east side of  
8 the road. And everything to the west of this property is zoned RG-2. There is some  
9 single-family residential across Hazelwood Road, which would be east of the property,  
10 the six acres subject of your request now. But everything that fronts on Hazelwood  
11 Road across the street to the east is now zoned either C-3 or C-1. And essentially  
12 every use along there, with the exception of perhaps one and possibly two residences,  
13 is commercial regardless of whether it is – what the zoning has been or is. There are  
14 one, possibly two, residences that are in C-3 zoning across the street on Hazelwood.  
15 And then there is residential seated behind those lots. We submit to you that the  
16 request for this combined proposal is to provide for a real and realistic zoning for these  
17 two properties which, when in combination, are viewed as the requests are presented to  
18 you, provides a joinder of the C-3 zoning that is already on Garners Ferry Road and on  
19 Hazelwood and simply squares it off at the intersection. And then the property owner's  
20 RG-2 request for this six acres adjacent to that and abutting RG zoning in the City of  
21 Columbia on the north side, makes a logical zoning pattern for that particular locality.  
22 This will not be an isolated incident of commercial or multi-family zoning in an area  
23 where that does not exist. Because, indeed, every portion of the property that

1 surrounds this property is either commercial in use and in zoning or is RG-2 in zoning.  
2 And there is a significant amount of multi-family residential in the immediate vicinity as  
3 well as the commercial that fronts on Hazelwood and Garners Ferry.

4 CHAIRMAN VAN DINE: Thank you. Next we have is Mary Sturgeon.

5 **TESTIMONY OF MARY STURGEON:**

6 MS. STURGEON: I'm Mary Sturgeon. I live 818 Hazelwood Road. And if you  
7 have the same papers that I have, I live in the house that is directly in front, the one  
8 that's pictured in your maps and your paperwork there. That is C-3 property. The one  
9 next to it is C-3 property. My C-3 property I do live there. It is for rent. I have, if you'll  
10 look through the picture on there, there is a very large building. You can see it down the  
11 side and you can also see it through the breezeway. It's 1,200 square foot building  
12 back there. I do rent that out. It is not rented at the present. But it's available when I  
13 can find someone that's suitable for that business it will be rented. The next block down  
14 is C-1 and that is, for the first two lots there, is a business on each – the first two there.  
15 The other side there that's facing Sharon Street, that is duplex. I think there's about two  
16 in there. And everything else you see back there on Marie Street, Stephen Street,  
17 Sharon Street, so forth, 70% of it absentee landlords. Our property has gone down until  
18 it's just absolutely ridiculous. There's a lot of older people there. And on down there  
19 around the Ashwood Commons, they have recently, in the last couple of years, added  
20 approximately over 150 and are still building units and homes down in there. And every  
21 bit of that turns out onto Hazelwood Road. The other part right there, I'm not sure what  
22 that is. That is the park, the new park that they're going to put in there. The main  
23 entrance to that will be just right across the street from my house. And it will border that

1 land that they're asking to be zoned for apartment complexes. Those apartments, at 16  
2 units per acre, would put approximately 105 units in there. We have some very  
3 undesirable property, rentals, down on the block just off them, on the 700 block. I'm on  
4 the 800 block. He's looking at the 800 block that they're asking to rezone. The 700  
5 block is a – there's four units there, four businesses, that sell alcoholic beverages in one  
6 block. One is just been in the last few years. We've tried to stop it. We've worked to  
7 do all we could. It's just a hangout that for a while – it's called Side Pockets – for a  
8 while they were allowing midnight sales to underage students and patrons. I reported  
9 that. They stopped it. They have had prostitution coming from down in there. Right  
10 now they have what they call tournaments and they block both sides of the street going  
11 in there. There's at least 100 cars approximately three nights a week, three evenings a  
12 week, and it would come all the way down into that part. The map that I have that was  
13 sent to us, one site is – I'm not sure which one this is, but I believe that's an aerial view  
14 and I believe that it is incorrect. There's one section on there that is the driveway to the  
15 rear of South Carolina Electric and Gas. And the drive-through window turns out right  
16 onto Hazelwood Road. And, see, it's enclosed in here. It's about in the middle of it  
17 there. Also, there is - the boundary line between the school zones right in there. I'm not  
18 sure just exactly which one it is now, but I do know that there were, for many years,  
19 Lower Richland buses going down that street. And on the other side of the street where  
20 they're asking to be rezoned would be buses coming from either Dreher or Flora. And I  
21 don't know how much more traffic can be put on that street. And that is a through  
22 street. It is one of the main through streets going through down to Fairmont. And with  
23 all the problems and all the people that we've had in there, we've had several shootouts

1 and deaths and so forth all along in there. In the middle of the night you can hear gun  
2 shots constantly. I don't get up and go look. I call the police because I'm not going to  
3 be standing in front of a window when all this is going on. I think we need some help  
4 with checking on the zoning down in there because it's turning into a slum back in those  
5 streets there where the absentee landlords are. Please don't put more absentee  
6 landlord units in there that's going to cause us all these – more problems.

7 CHAIRMAN VAN DINE: Thank you, ma'am. I appreciate - for everybody else –  
8 we apologize. We do have a limitation on the amount of time to speak. We'd  
9 appreciate it if the buzzer goes off, that you would wrap up your comments very quickly.  
10 Ron Thompson, followed by Rebecca Williams.

11 **TESTIMONY OF RON THOMPSON:**

12 MR. THOMPSON: My name is Ron Thompson and I'm a resident of – my  
13 address is 138 Gail Pond Trace. And I'm a resident of the Ashwood Lakes Subdivision  
14 and Commons. And I heard some of Ms. Sturgeon's comments, there, and I'm ready to  
15 echo them. Mr. Fuller has talked about the use of the property there. I've talked with  
16 the City on several occasions. Ashwood Lakes is actually adjacent to the property that  
17 he's speaking of. I was not aware, until I passed by on Hazelwood on the way home  
18 one day, that the first couple of pieces of property there were actually privately owned  
19 and not a part of the City. Our concern is that if that property is rezoned other than – if  
20 it's rezoned for – and I'm not that familiar with the letter and numerical terminology – but  
21 if it's rezoned for multi-family right now or rezoned for commercial, I think that we're  
22 going to have the kinds of problems that Ms. Sturgeon is talking about multiply. The  
23 other issues that we've had some homicides. We had some homicide about a couple –

1 about a mile down on Patterson Road. And I know of which Ms. Sturgeon is speaking  
2 about with the Sideways pool hall and that kind of thing. And they're congregating  
3 there. There's a lot of traffic there. I can see where if there's a multi-family unit put  
4 there the traffic is going to triple. One thing about the park that's being brought there, I  
5 have talked with the City. They are putting in an abutment between the Ashwood Lakes  
6 subdivision, which we do have an active crime watch program there and we watch to  
7 make sure that there's quality activity there. There is a buffer that's going to be placed  
8 between the park and the Ashwood Lakes subdivision. We're looking to make sure that  
9 things take place the way they should take place in terms of development. And I heard  
10 the buzzer go off. But I just want to say to you very frankly, that I think I could not have  
11 said it better, that if you're going to do anything with that property on Hazelwood, the  
12 time is not now. I think that you've got other priorities with regards to dealing with that  
13 property other than amending it to, rezoning it to something other than what its use is  
14 intended for right now. I think there's some issues that need to be dealt with before you  
15 consider rezoning that.

16 CHAIRMAN VAN DINE: Thank you. Rebecca Williams.

17 **TESTIMONY OF REBECCA WILLIAMS:**

18 MS. WILLIAMS: I am Rebecca Williams and I live at 824 Hazelwood Road, right  
19 next door to Ms. Sturgeon. And I believe both of these people have about said it all.  
20 I've tried to live there – I mean I've lived there 38 years and tried to live there peacefully.  
21 But it is, like they said, it has gone down. There's so much traffic I almost need a traffic  
22 light to get out of my driveway. It's hard to get out on Hazelwood Road. We're right  
23 there at it. It's just a congested area. And they've told you what all the other problems

1 are and we also have trash scattered all over the neighborhood in the yards and along  
2 the roads. It looks like just a dumping place for everything there. We don't need  
3 anymore problems that this would create. And there is a lot of noise like they  
4 mentioned. And then, on top of that, if you had apartment buildings or multi-family  
5 housing there in that area you'd have a lot of children. That would be very hazardous  
6 for them. I hope that this will be denied.

7 CHAIRMAN VAN DINE: Thank you, ma'am. Those are all the people who have  
8 signed for both 05-43 and 05-44. While I know we have to take up each one of them  
9 separately, I think for our discussion purposes we may want to talk about both parcels in  
10 the area as a combined area as far as questions or comments that are being made.

11 MS. LUCIUS: If we're going to take them together, I do have a question. I was  
12 looking at the map on 112. And it seems like you've got that parcel all as D-1. But  
13 according to the notes I found looking back, we had already rezoned a portion of that to  
14 commercial.

15 MR. PALMER: On 112?

16 MS. LUCIUS: Yeah. I thought we were going to discuss them as one. If we're  
17 going to discuss them as one I want to get this cleared up.

18 CHAIRMAN VAN DINE: We have to vote for them separately, but for discussion  
19 purposes –

20 MS. LUCIUS: I just want to get this cleared up.

21 CHAIRMAN VAN DINE: - if there are comments that are to be made on each one  
22 or separately. But that's fine.

1 MS. LUCIUS: Okay. Anyway, on March 1<sup>st</sup> of '99 – you know I go back and look  
2 at these things – we rezoned one acre from D-1 to C-3 to allow ingress/egress for  
3 SCE&G onto Hazelwood –

4 MR. GOSLINE: Right.

5 MS. LUCIUS: - via Marie Road. But that's not reflected on this -

6 AUDIENCE MEMBER: That's not the same parcel.

7 MS. WYATT: Isn't that what that little piece right there is?

8 MR. JACKSON: This little piece right here.

9 AUDIENCE MEMBER: That's why I was saying it was a mistake on your -

10 MS. LUCIUS: Yeah. Well I picked up on that when you said you thought it was a  
11 mistake.

12 MR. FULLER: Ms. Lucius, if I could address that since you are talking about the  
13 two together here.

14 MS. LUCIUS: Right.

15 MR. FULLER: The property that is subject of our application number 05-44,  
16 which is D-1 to C-3 -

17 MS. LUCIUS: Right.

18 MR. FULLER: - is a piece of property that was previously a portion of the C-3  
19 property that is now the SCE&G property that fronts on Garners Ferry Road. That is  
20 reflected on both of the maps that you have in your package. That property is already  
21 C-3 property, taken out of the D-1 track, and is a part of the C-3 that fronts on Garners  
22 Ferry Road.

23 MS. LUCIUS: Is that that little red square?

1 MR. FULLER: It would be the third – if you go down – if you've got the same map  
2 that -

3 MS. LUCIUS: I do.

4 MR. FULLER: Alright. The third – there's shown at the corner of Garners Ferry  
5 and Hazelwood three lots before you get to the proposed commercial site. And the last,  
6 that sliver of red property –

7 MS. LUCIUS: That little sliver is that?

8 MR. FULLER: - is the piece property –

9 MS. LUCIUS: Oh, okay.

10 MR. FULLER: - that was taken out of the D-1 tract –

11 MS. LUCIUS: Alright.

12 MR. FULLER: - and placed in the SCE&G.

13 MS. LUCIUS: Alright. Because it looks on the aerial that Marie has been taken  
14 across into that piece of property. You see? It looks like Marie's been extended. It's  
15 not?

16 MR. FULLER: The property that is directly across – that we are dealing with in  
17 the rezoning application, directly across from Marie Street is the portion of this property  
18 that is subject of the C-3 application.

19 MS. LUCIUS: Okay.

20 MR. FULLER: And it abuts the C-3 property that fronts on both Hazelwood and  
21 Garners Ferry Road.

22 MS. LUCIUS: Okay. So that little sliver is what we rezoned back in '99?

23 MR. FULLER: Correct.

1 MS. LUCIUS: Okay. That clears that up.

2 MR. FULLER: The RG-2 application, which is adjacent to that, is the 6.6 acre  
3 parcel that is adjacent to what will become the city park that is zoned RG-2. And all the  
4 Ashwood Commons property is RG-2 property.

5 MS. LUCIUS: Okay. I just wanted to make sure we had the right map.

6 MR. FULLER: And, also, if you recall, looking in the traffic reports, the LOC, LOS,  
7 service on Hazelwood Road and Garners Ferry, will not be affected by this zoning. It  
8 remains a level C, before and after.

9 CHAIRMAN VAN DINE: The property, ultimately on July 1, assuming that that's  
10 the date of implementation, would go to RU. Is that correct?

11 MR. GOSLINE: Yes, sir.

12 CHAIRMAN VAN DINE: Were the uses that were D-1 to RU relatively the same  
13 in the conversion?

14 MR. GOSLINE: No, sir.

15 MR. CRISS: I would, respectfully, disagree; they're similar. Low density, single-  
16 family residential, agricultural, forestry, some community facilities.

17 CHAIRMAN VAN DINE: Multi-family is not presently allowed in either D-1 or RU.

18 MR. CRISS: Both allow manufactured housing.

19 CHAIRMAN VAN DINE: Okay.

20 MR. CRISS: Despite its title, the development zone doesn't allow much in the  
21 way of development.

22 MR. FULLER: Mr. Chairman, with all due respect, I think that D-1 zoning has  
23 always and traditionally in Richland County, been recognized as the code says it is, a

1 transitional zoning. It is not a use zoning classification. It is utilized, was utilized from  
2 1976 forward, to designate property that was on the edge of developing properties to  
3 best characterize what ought to be included within the surrounding communities. And I  
4 submit to you, this is the poster-child for property that's compatible with what is zoned  
5 adjacent to it on all sides. Thank you.

6 CHAIRMAN VAN DINE: I was about to say, basically, what Mr. Fuller has just  
7 said. So I won't repeat that. However, it does seem as though a conversion to an RU  
8 in these particular spots doesn't make a whole lot of sense. Whether or not RG-2 is the  
9 proper zoning request or not, as far as the first request, it certainly makes sense to have  
10 – they're similar zones side by side. And I would hope that some of the problems that  
11 are existing down there would be taken care of through other mechanisms other than  
12 the zoning applications or the zoning requirement. I think if there are pool halls that are  
13 being run inappropriately or there are other areas that are creating nuisances, they  
14 ought to be taken care of through the police force and the powers that are out there.  
15 And I don't think that zoning plays any real role in that other than, perhaps, limiting uses  
16 in certain respects. It just seems to me the request of D-1 to RG-2 that that makes  
17 sense in light of what else is there. Because I can tell you, RU is not going to be  
18 something that, even if it were converted in July to RU, that's not what it's going to be,  
19 ultimately.

20 MR. GOSLINE: Mr. Chairman, no. But one of the problems were going to have  
21 is that because the decision was made to automatically convert all the D-1 to RU, this is  
22 just the beginning of a tidal wave of these requests.

1 CHAIRMAN VAN DINE: And deferring it until a later time to take up that  
2 particular issue doesn't make sense if it's before us now. Which is, in essence, what  
3 you said, "Defer it and let's take it up at a later time." If we're going to have a landslide  
4 of things coming in here based upon that, we can take care of one of the landslides right  
5 now.

6 MR. GOSLINE: It's the first pebble in the landslide.

7 CHAIRMAN VAN DINE: And maybe if we take the pebble out the whole landslide  
8 won't come.

9 MR. GOSLINE: I doubt that. [Laughter]

10 MR. PALMER: I do seem to remember that, also, when we were talking about  
11 these conversions that we said, you know, we need to make a mechanism in place to  
12 streamline these things where the conversion doesn't make sense. People are wanting  
13 to be something else; that we put something in to streamline this.

14 MR. GOSLINE: You have to go through the ordinance adoption process.

15 MR. PALMER: Right. But what I'm saying is it obviously doesn't make here, but,  
16 yet, Staff still recommended, you know, to deny it. And I just think that – I mean I agree  
17 with Howard that this is a clear cut case to me.

18 MR. JACKSON: I don't see it as clear cut case. You're talking 16 units per acre.  
19 What type of transition? You have a neighborhood there, right, which has  
20 approximately, maybe, what, one house per half acre?

21 MR. PALMER: Which is surrounded by C-2 and RG-2. I don't see [inaudible].

22 MR. JACKSON: Yeah. But you're going into a neighborhood, also. Depends on  
23 what you're talking about.

1 MR. PALMER: The RG-2 is already to the backside all the way to the  
2 neighborhood.

3 MR. JACKSON: Yeah. Or it was zoned as someone lives on those properties  
4 also. Some of the houses are for rent. But to go – this is an urban-type living. You're  
5 putting 16 units per acre. I can't support that.

6 MR. PALMER: All this is RG-2.

7 MR. JACKSON: I understand that.

8 MR. GOSLINE: Mr. Chairman, lets be sure that we're talking – this is RG-2 in the  
9 city limits because that's the park. So the proposed RG-2 will, yes, be adjacent to RG-  
10 2, but it's in the city limits. And the 16 units, Mr. Jackson, a max. It's quite possible  
11 they wouldn't get that many. As you heard, the Ashwood Commons, which is the strip,  
12 if you'll look at the aerial on page 99, Ashwood Commons is that strip of units much  
13 similar to Elders Pond and some others. And then Ashwood, itself, is a big subdivision  
14 of more conventional, single-family, detached housing.

15 MR. JACKSON: I understand. I just cannot support 16 units per acres in that  
16 community.

17 MR. GOSLINE: They're allowed to do it.

18 MR. JACKSON: I say I cannot support it. I'm not saying what they're allowed to  
19 do or not.

20 MR. MANNING: Carl?

21 MR. GOSLINE: Yes, sir.

22 MR. MANNING: When the D-1 classification was eliminated, it was my  
23 understanding that all the rural property owners had the right to come in and sit down

1 with Staff and they'd make recommendations as to what they thought that property  
2 should be.

3 MR. GOSLINE: They are.

4 MR. MANNING: The applicant is. What was you're recommendation?

5 MR. GOSLINE: For this one?

6 MR. MANNING: For this piece of property.

7 MR. GOSLINE: Recommended – the request before us is to make the change  
8 and the Department's position was it's premature. I understand the argument. And it's  
9 – you know - this is going to be a real problem, folks, because we've got hundreds of  
10 acres, thousands maybe, where this is going to be coming to us. It's not a simple way,  
11 but the better way around it is change the zoning maps and do some down zoning and  
12 up zoning and all the rest of that.

13 MS. LUCIUS: I'm hearing that this rezoning is okay because it's better than what  
14 it's going to turn into. It's almost like a, you know, it's not agreeing with the zoning, *per*  
15 *se*. It's so much as the fact that it's going to lapse to rural if we don't. See what I'm  
16 saying?

17 MR. GOSLINE: Yes, ma'am. That's the argument you're going to hear  
18 incessantly for some time is that it doesn't make sense for it to be rural and they're  
19 probably right.

20 MS. LUCIUS: Well, let's do this.

21 MR. GOSLINE: So, therefore –

22 MS. LUCIUS: Merits. Standing on its merits.

23 MR. GOSLINE: - you know, let's just pick something.

1 MR. JACKSON: [Inaudible]

2 MS. LUCIUS: No, no, no. What I said –

3 MR. JACKSON: That's what this argument is.

4 MS. LUCIUS: huh-uh (negative). I'm hearing that since the D-1 is going to  
5 become rural, that all the, you know, property owners are coming now and trying to, you  
6 know, get it rezoned before that happens, which is good. But I don't want us - to see us  
7 put in a position of taking whatever is presented before us to prevent it from reverting to  
8 rural. You see what I'm saying? In other words, if you came in and said you wanted all  
9 of this C-3, would we say, "Oh, well, that looks good to me because otherwise it's going  
10 to be rural." I mean, you know, I don't see that as making a decision based on the  
11 merits of the zoning itself, the RG-2 or whatever it is.

12 MR. GREEN: We have two parcels here being separated and I think by their  
13 separation will tend both to be oriented to Hazelwood Road. And I think there's an  
14 opportunity here that, had there been a use intended for this – I mean we've got nine  
15 acres here. We've got property that has sufficient frontage on Bolton Street. There's an  
16 opportunity to develop this property oriented to Bolton Street through other commercial  
17 property to keep its orientation away from Hazelwood at the time there's a specific use  
18 that's in mind to develop the property. And I would think that would be one of the things  
19 that we would look at, as a nine acre piece, is an orientation towards Garners Ferry and  
20 Bolton Street as opposed to two separate entrances onto Hazelwood. I don't know how  
21 long ago the encroachment of C-3 and C-1 went up Hazelwood. I suspect it's been  
22 some time – long time ago.

23 MS. LUCIUS: Long time. It was before [inaudible].

1 MR. GREEN: But I just think there will be a future opportunity to look at this nine  
2 acres with a better orientation towards the commercial and away from the residential  
3 areas. That would be my concern about rezoning it now.

4 MR. PALMER: These are both, individually, parceled, tax map sheet numbers?

5 MS. ALMEIDA: Um-hum (affirmative).

6 MR. PALMER: Are you speaking about the C-3 property or are you speaking  
7 about the RG-2 property?

8 MR. GREEN: My understanding was that these two parcels are both under the  
9 same ownership so that, collectively, you have nine acres there to work with.

10 MR. PALMER: Well, I understand that. I hate to, even though they're the same  
11 owner, there are two separate tax map sheet parcels. He gets two separate tax map  
12 bills. I think we should access these votes on their individual merits and not each as -  
13 just because he happens to own both of them, he may have different intentions for  
14 [inaudible]. But they're two separate pieces. We need to look at them as two separate  
15 pieces.

16 CHAIRMAN VAN DINE: And, certainly, I didn't want to lead anybody to believe  
17 that we were going to be voting on them as a unit or whatever. I was just suggesting,  
18 for our discussion purposes, that we talk about the entire area. In answer to some of  
19 the other questions, as to the second parcel, which is the 05-44 parcel, I am not in favor  
20 of a C-3 zoning in that area. I don't think C-3 would be the appropriate zoning. I think  
21 what we ought to be doing is, if we're going to change it, it ought to be a changing to a  
22 C-1, the gradual step down from commercial to a residential. So I would think that that

1 parcel, instead of being a C-3 request, should be a C-1 zoning as a buffer or a lower  
2 use down into the residential, albeit multi-family residential.

3 MR. PALMER: I could see that as well and that's why I think this is a slippery  
4 slope us combining these both even in discussion. I would agree with you, Howard, in  
5 that I'm in favor of the RG-2. It's bordered by C-3 and RG-2 and there's C-3 across the  
6 street and then there's C-1. And, while this is going to be a park directly next door, but  
7 right after the park there's residential that's pretty intense. I'm in favor of the RG-2,  
8 perhaps maybe a lesser use, maybe a C-2 or a C-1, like you mentioned, on the second  
9 parcel.

10 MR. JACKSON: I just couldn't support that. I think it's a total disregard and  
11 disrespect for the citizens who live on that road even though their property may be  
12 zoned C-3 and [inaudible], people live there. And in other communities we have tried  
13 not to zone into a residential community in a commercial.

14 MR. PALMER: We're not talking about commercial here, though.

15 MS. LUCIUS: He's talking about the –

16 MR. JACKSON: Well, even with the homes, we try to have similar zoning.

17 MR. PALMER: And the similar zoning is RG-2, then it goes next to RG-2, then it  
18 steps down to the RS-1.

19 MR. JACKSON: I see RS-1. On the C-3 there are homes. I'm not talking about  
20 that. That's with the city. I'm talking about what Richland County's responsible for.  
21 That's not zoned –

22 MR. PALMER: We're not. That's what the [inaudible].

23 MR. JACKSON: For my understanding, isn't that the city?

1 MR. GOSLINE: I'm sorry. What was the question?

2 MR. JACKSON: RG zoning, is that part of the city? On the map.

3 MR. GOSLINE: The zoning to the west of the subject site is RG in the city limits -

4 MR. JACKSON: Okay.

5 MR. GOSLINE: - for a city park. I don't know why they'd zone it RG, but.

6 MR. JACKSON: I'm not concerned with the urban setting. What I'm concerned  
7 with is the county. And similar zoning, as it is now, is RS-2 and wherever there is C-3 is  
8 a residential property. And I can't support putting 16 units per acre where you have two  
9 units per acre. I cannot support that.

10 CHAIRMAN VAN DINE: Let's focus on the 05-43 MA, which is the request from a  
11 D-1 to an RG-2. Do I hear a motion from the Commission regarding that property?

12 MR. MANNING: Yes, Mr. Chairman. I'd to make a motion that we approve that.

13 MR. PALMER: Second.

14 CHAIRMAN VAN DINE: Is there any further discussion of the 05-43 MA? We  
15 have a motion to send this request forward with a recommendation of approval. All  
16 those in favor please signify by raising your hand. All those opposed.

17 *[Approved: Palmer, Van Dine, Manning; Opposed: Furgess, Lucius, Jackson, Wyatt,*  
18 *Green, McBride]*

19 CHAIRMAN VAN DINE: The motion fails. Need an alternative motion.

20 MS. WYATT: Mr. Chair, I'll make a motion that we send this forward with a  
21 recommendation of denial.

22 MR. JACKSON: I'll second it.

1 CHAIRMAN VAN DINE: Alright. We have a motion to send this forward with a  
2 recommendation of denial. All those in favor please signify by raising your hand. All  
3 those opposed.

4 *[Approved to Deny: Furgess, Lucius, Jackson, Wyatt, Green, McBride; Opposed:*  
5 *Palmer, Van Dine , Manning]*

6 **CASE 05-44 MA:**

7 CHAIRMAN VAN DINE: Alright. That will go forward with a recommendation of  
8 denial, which is consistent with the Staff's position. The next that we have is 05-44 MA,  
9 which is the adjacent piece of property, which is a request to change that from D-1 to C-  
10 3. We had discussion on that. Mr. Fuller, since you have not had an opportunity, if you  
11 would like to address us very shortly on that particular piece of property.

12 **TESTIMONY OF ROBERT FULLER:**

13 MR. FULLER: Mr. Chairman, it is a reiteration, but I would suggest to you that the  
14 C-3 zoning request simply squares off the properties that are already zoned C-3 fronting  
15 on Garners Ferry Road and is consistent with the zoning which is across Hazelwood to  
16 the east. All of that is C-3 zoning with C-3 uses in portions of it. Although there are  
17 clearly – there is, clearly, at least one home that is occupied by a resident there, there's  
18 a boarded up home and there's a home with a roofing company that operates there. So  
19 there's already C-3 zoning for the full length of the frontage of the requested property on  
20 Hazelwood Road that is C-3 zoned. And this is contiguous. It is appropriate. And it is  
21 compatible with what is already zoned in the district.

22 CHAIRMAN VAN DINE: Thank you.

1 MS. LUCIUS: Well, like I say, this was before '99 when we took all that  
2 commercial down Hazelwood. I would like to think that we wouldn't have done that. I  
3 hope we wouldn't have done that.

4 MR. GOSLINE: It was probably a past Planning Commission recommendation.

5 MS. LUCIUS: Oh! I'm saying it was before '99. I know because I looked back  
6 that far until '98.

7 MR. JACKSON: Mr. Chairman, I recommend denial of this zoning request.

8 CHAIRMAN VAN DINE: We have a motion for denial of the request. Do I hear a  
9 second?

10 MS. LUCIUS: Second.

11 CHAIRMAN VAN DINE: Motion and a second. As I stated earlier, I would be  
12 opposed to a C-3 request. I think a step down in this area to a C-1 would have been a  
13 much more appropriate request, and based upon that I would also support the motion to  
14 deny. Are there any other comments?

15 MR. MANNING: I've got one question. On page 109 [inaudible], Item 6, can you,  
16 Carl, explain that to me? What is the Lower Richland Subarea Plan that's in place now  
17 [inaudible]?

18 MR. GOSLINE: Oh, I'm sorry.

19 MR. MANNING: Item 6 on 109.

20 MR. GOSLINE: Uh-hum (affirmative).

21 MR. MANNING: It says, "Proposed zoning map amendment is not consistent with  
22 the siting recommendations of the Lower Richland Sub-Area Plan discussed herein." Is  
23 that plan in place? I mean is that -

1 MR. GOSLINE: Yes, sir.

2 MR. MANNING: So this is not the new plan that we are working on, now,  
3 [inaudible].

4 MR. GOSLINE: No, sir.

5 MR. MANNING: Okay. I didn't -

6 MR. GOSLINE: The neighborhood planning function that's going on out there, it's  
7 considerably – it's three miles east of here, east of this site.

8 MR. MANNING: Right. That was a concern. Were we using that as a [inaudible]  
9 at this point when we hadn't adopted it.

10 CHAIRMAN VAN DINE: We have a motion before us to deny the request. Send  
11 it forward with a recommendation of denial, excuse me. All those in favor of the motion  
12 please signify by raising your hand. All those opposed.

13 *[Approved to Deny: Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, McBride;*  
14 *Opposed: Palmer, Manning]*

15 CHAIRMAN VAN DINE: Alright. That will go forward with a recommendation of  
16 denial on that request. Ladies and gentlemen, I know you've been sitting patiently. We  
17 are now on to the request which everybody is here for and we have been sitting here,  
18 also, for quite some time and, unfortunately, I think some people need to take a break.  
19 And we're going to break for five minutes before we get started on all of these.

20 *[RECESS]*

21 CHAIRMAN VAN DINE: Alright, folks, I said it at the beginning of the meeting  
22 and I've heard it two or three times. If you've got a cell phone, turn it off! If you want to  
23 talk on the cell phone, go outside. I'm going to ask - if I have to, we'll get a Deputy

1 Sheriff to come in and take the phones way if somebody can't be courteous enough  
2 while people are up here to have it off. Ms. Linder, you were talking with me at the  
3 break concerning the General Development Plan approval. For the benefit of the other  
4 Commissioners, will you please let them know what we were talking about so they're  
5 aware of what needs to be done concerning these PUD approvals.

6 MS. LINDER: Sure. Our current zoning ordinance has a requirement prior to  
7 granting a request for zoning on a PUD that you approve the General Development  
8 Plan. So you have to actually have a motion that would include the approval of a  
9 General Development Plan and then you could either include the approval of the zoning  
10 or you could have that as a separate motion. But the ordinance does require that we  
11 take action on the General Development Plan.

12 CHAIRMAN VAN DINE: So everybody understands that if, in fact, someone  
13 makes a motion for approval or whatever they have to actually approve the General  
14 Development Plan for the PUD as well as the request for the change.

15 MS. WYATT: And they need to be two separate -

16 CHAIRMAN VAN DINE: They can be combined in one. But it's probably better to  
17 do as two separate. Alright. Next case we have before us is 05-42 MA.

18 **CASE 05-42 MA:**

19 MS. ALMEIDA: Mr. Chairman, this application is located O'Sheal Road, Kennerly  
20 and O'Sheal Road and Staff recommendations are on page 124 – 123 and 124.

21 CHAIRMAN VAN DINE: And I believe we have been provided the material as  
22 part of our package. Is that correct?

23 MS. ALMEIDA: That is correct.

1 CHAIRMAN VAN DINE: It would be this folder, this traffic study. Is that part of it?

2 MS. ALMEIDA: That is correct.

3 CHAIRMAN VAN DINE: As well as the declarations and covenants, both?

4 MS. ALMEIDA: Yes.

5 CHAIRMAN VAN DINE: Alright. And then Staff recommendation is?

6 MS. ALMEIDA: For approval.

7 CHAIRMAN VAN DINE: Obviously subject to the PUD conditions?

8 MS. ALMEIDA: I'm sorry. Yes, it is for approval to be changed from RU to PUD-  
9 1R.

10 CHAIRMAN VAN DINE: Alright. The applicant wishes to make a presentation.  
11 We have a number of people who are signed on this particular matter. If, in fact,  
12 someone before you has said what you wish to say, simply a 'Ditto' or 'I agree' would be  
13 sufficient. If you feel like you have additional comments to make, please feel free to do  
14 so. As you are coming forward, please make sure you state your name and address  
15 and please limit your comments to the time allotted. There will be a buzzer that will go  
16 off.

17 **TESTIMONY OF CARL HASLINGER:**

18 MR. HASLINGER: Okay. I'm not actually presenting it. I'm just introducing it.

19 CHAIRMAN VAN DINE: Okay.

20 MR. HASLINGER: Okay. Good afternoon. My name is Carl Haslinger. I own  
21 Essex Homes and I'm a partner in NKD Development. My office is located at 4448  
22 Augusta Road. It's in Lexington. I'm here to reintroduce a property, or 95 acres on  
23 O'Sheal Road and request approval as a PUD with 172 home sites. Originally, last year

1 we brought this project to you and we requested an RS-1 designation on the property.  
2 It was passed through here on a split. And we brought it to the County Council. The  
3 County Council, a seven member majority of the County Council, voted in favor of us  
4 doing a PUD design at this site with less than 180 houses, which we've done. When we  
5 got this recommendation from the County Council, I wanted to do the job right. And to  
6 do the kind of plan that I thought the Richland County and that the planners would like,  
7 we hired the Hayter Firm from Pinehurst, North Carolina. Robert Hayter is one of the  
8 foremost land planners in the United States and has a strong reputation for his  
9 environmental stewardship. I think, as he begins to tell you about the plan in a few  
10 minutes and we dig into the plan, I think you're going to agree that that is a well  
11 deserved reputation. When I first talked to Robert I asked him to develop a PUD plan  
12 that would be a compliment to the county, optimize the value of the land and the  
13 features of the land, observe nature's beauty, steward the environment, respect our  
14 existing neighbors, and develop a sustainable community. Robert exceeded my  
15 expectations. He has done exactly what the County Council has asked him to do and  
16 has asked us to do. And I think that he has gained the confidence and enthusiastic  
17 support of the County Planners. And with that, I would like to request that you pass us  
18 and approve our PUD. And if you'd like Robert to speak, he'd be next.

19 CHAIRMAN VAN DINE: I have a number of people who appear to have been  
20 part of your team putting this together. And did any of them have any specific  
21 comments that they wanted to make in relation to the project? Then I'll – you tell me  
22 which of these people are actually part of the team so I can know which are making the  
23 actual presentation.

1 MR. HASLINGER: We all are. Robert's making the PUD presentation.  
2 Everybody is bringing a pertinent fact up.

3 CHAIRMAN VAN DINE: Sue Green, you'll be part of the team?

4 MR. HASLINGER: Yes.

5 CHAIRMAN VAN DINE: Eric Trippy?

6 MR. HASLINGER: Yes.

7 CHAIRMAN VAN DINE: Okay. And Johnny Johnson?

8 MR. HASLINGER: Yes.

9 CHAIRMAN VAN DINE: Don Hensaw?

10 MR. HASLINGER: Yes.

11 CHAIRMAN VAN DINE: All the rest of the people are also part of the team or is  
12 this -

13 MR. HASLINGER: So far as I know, yes.

14 CHAIRMAN VAN DINE: Okay. Mr. Hayter, please.

15 **TESTIMONY OF ROBERT HAYTER:**

16 MR. HAYTER: Good afternoon, Members of the Commission, Mr. Chairman,  
17 ladies and gentleman. It's indeed a privilege for me to be here today to present to you  
18 the proposed River Shoals project. It may interest you to know that this is the second  
19 time my firm has had the opportunity in the last year to present a PUD for your  
20 consideration. Not too long ago you approved one called English Village Gardens out  
21 near Ballentine. We bring to you a basis for today's plan steeped in philosophical  
22 principle procedures. Conserving the land, providing a sustainable development are  
23 key in those processes. Our firm's work has also been, here in South Carolina, in that

1 we helped do the master plan for the Clemson Research Station out on Clemson Road  
2 a number of years ago, worked on DeFauskie Island, Hilton Head, and currently  
3 working on the Broad River here in Richland County. I'd like, if you will, to refer to the  
4 exhibit before you which is a page in your plan book, by telling you the data that is  
5 presented there. First of all, we intend River Shoals to be a special residential  
6 community that is based directly on the natural resource analysis of the site and in  
7 some sense of communication with the neighboring properties as best that's possible.  
8 In achieving that goal, some 44.7 acres of a 94 acre project, are left for a nature  
9 conservancy or a conservation area. These principles insure water quality, untouched  
10 drainage patterns, wildlife habit, and a preservation of the woodland ecology that this  
11 site currently has. When first meeting with the Staff, one of the recommendations was  
12 that we buffer around this entire perimeter of the property to, if - in effect, insulate and  
13 reduce the effect on neighboring properties. Their request was 20'. The plan in no  
14 place has less than 50'. In fact, it averages 180' of buffer, untouched areas at the  
15 property's rears or private property. We also endeavored to analyze the impact of  
16 having to pass through a community that you do not consider your own. And, thus, we  
17 propose relocating Harry Derrick Road at our expense at county standards to leave the  
18 road as a, in effect, private drive home. We want to create, if you will, a wonderful place  
19 to live. If you will now look at the exhibit before you, which is page 5, also referred to by  
20 legal counsel, today, County Staff Counsel, as the General Development Plan. I'll  
21 quickly run through the yield of this plan for you. Again, the total acreage is  
22 approximately 94. 12.3 acres of the site are right-of-ways for streets, alleys, and  
23 parking areas at amenities. 1.1 acre is given over to the County of Richland as a

1 relocated right-of-way for Harry Derrick Road. The residential area, total residential  
2 area, is 33.9 acres on 94 acres. There are some Park Avenue sections of about 1.6  
3 acres. A proposed fire station, which we know as of today, is being favorably accepted  
4 by both the County and the City Fire Departments. A total of 44.6 acres of legitimate  
5 open space outside the development envelope. There are no mirrors there. That is  
6 outside the development envelope. Within that open space are also some community  
7 amenity areas, some storm drainage areas, and a river buffer of over 100'. Are there  
8 any questions about the General Development's Plan yield?

9 MS. WYATT: Let me ask a question on the fire station, 1.60.

10 MR. HAYTER: Yes, ma'am.

11 MS. WYATT: Doing some work in trying to locate a fire station on Hardscrabble –

12 MR. HAYTER: Yes, ma'am.

13 MS. WYATT: - I'm pretty sure that they had told me their minimum was two acres  
14 for a fire station.

15 MR. HAYTER: That's not the feedback we're getting from the proposal. They've  
16 actually visited the site, seen the plan, done some cross-governmental conversations.  
17 So I'm only – I'm not familiar with it needing to be more than this is providing. This will,  
18 by the way, we've designed several community fire stations around the country. This  
19 will provide – 1.6 acres is ample for a house and fire truck double garage and so forth  
20 on that site with full circulation. If I could now reference page 8, which just further  
21 reinforces our commitment to the two principles I mentioned at the beginning and that is  
22 conservation and stewardship. In the proposed lots of this development, in the rear  
23 yard of all lots that adjoin the buffer is an additional 20', no grade change, selective cut

1 zone in the back of each yard qualifying the residence, therefore, for the South Carolina  
2 Program on Wildlife Habit Backyard. If, in fact, one were practical in the use and the  
3 analysis of the plan, it turns out that 52.5% of the property is, in fact, undeveloped. In  
4 closing, what I would like to ask is that the plan be judged on its merit. It is intended to  
5 do two things: allow optimum land development while preserving valuable, irreplaceable  
6 natural resources and at the same time, although it can never always be achieved, have  
7 the least impact on surrounding land uses. Thank you very much.

8 CHAIRMAN VAN DINE: Sue Green.

9 **TESTIMONY OF SUE GREEN:**

10 MS. GREEN: Hello, Mr. Chairman and ladies and gentleman of the Planning  
11 Commission. My name is Sue Green. I'm the Executive Director of Community Open  
12 Land Trust. We are a local land trust with our office located in Lexington, South  
13 Carolina. However we serve all of South Carolina and the Southeast. Our goal, or  
14 mission, in life is to protect natural, significant areas and protect [inaudible] sheds, water  
15 sheds, and other natural areas for the benefit of communities. Specifically, our goal is  
16 to work elaborately with developers in marrying preservation of significant natural areas  
17 with sensible, well-planned development. And this particular project is a wonderful  
18 example of doing exactly that. We are protecting natural habit and we are doing low-  
19 impact development trying to bring the homes together as close as possible while  
20 providing a nice community, a nice feel or sense of place, and preserving those natural  
21 features of the hardwood, bottom lands and the large oak trees and river [inaudible]  
22 shed and so forth. So we certainly support this project and ask that this Board favorably  
23 passes.

1 CHAIRMAN VAN DINE: Thank you. Eric Trippy. If Johnny Johnson would be  
2 ready next, please.

3 **TESTIMONY OF ERIC TRIPPY:**

4 MR. TRIPPY: Good afternoon. My name is Eric Trippy. I'm with Wilbur Smith &  
5 Associates, 1362 [inaudible] Avenue, Charleston. We were asked to perform a traffic  
6 impact study for this site. And following typical traffic engineering standard, put together  
7 an impact study to assess whether or not any road improvements would need to be  
8 implemented as a result of this development. We first assessed the existing condition.  
9 We did some traffic counts at the intersection of O'Sheal and Kennerly in February this  
10 year. We evaluated background conditions, which is we estimate a build-out timeframe  
11 for this site about three years or so [inaudible]. We looked at three years down the road  
12 what the traffic conditions would be like. Based that information on historical traffic  
13 volume and over the last 10 or 15 years. We then generated trips for this site based on  
14 the number of units. We determined that the a.m. peak hour we generated about 130  
15 trips [inaudible]. [Inaudible] p.m. would be about 175. We added these traffic volumes  
16 generated by the site on to the increased existing volume to come up with a future traffic  
17 volume. At the intersection we performed capacity analyses to determine whether or  
18 not the site would cause that intersection not to operate acceptably. And we  
19 determined, in conclusion, that adding these traffic volumes generated by this site would  
20 not impact the intersection negatively. It will still operate acceptably in the future. And  
21 we also determined that there would be no road improvements necessary to  
22 accommodate the site. That's basically a summary of the study.

23 CHAIRMAN VAN DINE: What's the condition of O'Sheal Road as it exists now?

1 MR. TRIPPY: It's a basic, two-lane, local roadway. Doesn't carry a very heavy  
2 amount of traffic.

3 CHAIRMAN VAN DINE: But is the condition sufficient to cover the additional  
4 traffic as far as load bearing, other things of that nature?

5 MR. TRIPPY: Well, we didn't really evaluate the pavement, necessarily, but I'd  
6 have to check into it.

7 CHAIRMAN VAN DINE: The other thing I would be concerned about would be  
8 traffic from the construction perspective going over that road and tearing that road up.  
9 Do you know what kind of things you have put into the plan in order to cover for any  
10 damage to the road that takes place?

11 MR. TRIPPY: I mean we can certainly look into it.

12 CHAIRMAN VAN DINE: But as you sit here, you don't have that information?

13 MR. TRIPPY: No, I do not.

14 CHAIRMAN VAN DINE: Okay. Thank you.

15 MR. TRIPPY: Thank you.

16 CHAIRMAN VAN DINE: Johnny Johnson.

17 **TESTIMONY OF JOHNNY JOHNSON:**

18 MR. JOHNSON: Good afternoon. Thank you for letting me be here. My name is  
19 Johnny Johnson. I live at 272 Rushing Wind Road in Irmo, which is Lexington -  
20 Richland County, I'm sorry. Been there for 33 years. I did the original viability studies  
21 on this land for water and sewer over a year ago and water can be brought into the site  
22 from 8,700 feet away through a 12" water line with the City of Columbia. They have  
23 adequate flow and pressure to supply this project. On the original preliminary layout

1 that was done a year ago, I had estimated that three mechanical wastewater pump  
2 stations would be required for this project. Based on this redesign, only one pump  
3 station would be required. I was very impressed with the design and the workability of  
4 it. There exists a 12" sewer line through the property now that runs along O'Sheals  
5 Road. And Richland County, right now, is in the process of building a new pump station  
6 about a mile away. And it is my understanding that the developer will be asked to front  
7 money to improve the sewer system which they will get back in sewer taxes. I'll be  
8 happy to answer any questions that the Commission may have.

9 CHAIRMAN VAN DINE: Where is the present water main now?

10 MR. JOHNSON: The present water main is at St. John's subdivision on St.  
11 John's Road and there'll be a 12" line extending from the entrance of St. John's  
12 subdivision up to Eleazer Road and then turning right following Eleazer Road to  
13 Kennerly Road, turn right again and go to O'Sheals Road and turn left and go into the  
14 property. I developed a project in this area around 1990 called Kenwood Court. At that  
15 time we had available sewer, no water, so I chose at that time to develop the Kenwood  
16 Court in two-acre minimum tracts because everybody would have to be putting in their  
17 own wells. And this project has a sufficient number of lots involved where the  
18 developers can afford to bring in the offsite water. In 1990 there was no water at St.  
19 John's Road.

20 CHAIRMAN VAN DINE: Has there been any move to condemn or to take  
21 property for the line by the City of Columbia?

22 MR. JOHNSON: We have not proceeded with obtaining private easements.  
23 There will need to be like 13 private easements along – off the road right-of-way – for

1 this water line to be built. These property's owners' phone numbers have all been  
2 identified and we're just waiting for the Commission to give the project a positive  
3 response before we move ahead with them. But all that has been worked on. The  
4 hydraulic models for water distribution has all been worked out. And they will be  
5 extending a 12" water line from the entrance to St. John's Place over to O'Sheals Road.

6 CHAIRMAN VAN DINE: Thank you.

7 MR. JOHNSON: Thank you.

8 CHAIRMAN VAN DINE: I'm going to start going down the list to some of the  
9 people who are opposed to this proposal. Kathy Sikes, followed by Harry Ownly. And if  
10 I could, the people that are following up if you would just sort of be ready behind the  
11 speaker that would be great. And after Mr. Ownly would be Gary Gonzales.

12 **TESTIMONY OF KATHY SIKES:**

13 MS. SIKES: Good afternoon. My name is Kathy Sikes and I live at 417 Bookman  
14 Mill Road, which is adjacent to the 94.8 acres. I really wish that I could stand before  
15 you and refute the quality of this plan and the attempts that has been made by Mr.  
16 Hayter to be respectful of this property, but I cannot. What my neighbors and I can do is  
17 tell you why the density proposed is much too high, the negative effects of that density  
18 on our community, and why we believe it is irresponsible to rezone this site for this  
19 development. We are asking that you look beyond the pretty package in which this  
20 proposal is wrapped. Look inside at the density and then look outward to see the  
21 effects on the existing community. The density and lot sizes are not comparable or  
22 compatible with the surrounding and nearby property. Most of you recognized this fact  
23 last year when the case was brought before you under the RS-1 request. This go

1 around the density is basically the same. Only a difference of eight houses with smaller  
2 lots. A burden will still be placed on our roadways. No improvements have been made  
3 to Kennerly Road. And the alternate routes that will be discussed are not used any  
4 more today than they were a year ago. Our schools continue to remain overcrowded  
5 and will be, even with the addition of a new elementary school. Mr. Van Dine's  
6 comment the last time we met with you, that additional schools is an indication of the  
7 immense pressure in our area, is still right on target. And there will be a domino effect if  
8 this rezoning is approved, Mr. Palmer. Carte blanche will be given for overdevelopment  
9 of our rural property. Some would have you believe that we are a bunch of no-growth  
10 lobbyist, a coalition set out to destroy the homebuilders industry. We've even been  
11 called NIMBY. On the contrary, we are homemakers, small business owners, state  
12 employees, teachers, and retirees who find ourselves, like many of our neighbors  
13 across the county, in a defensive position constantly trying to protect our communities  
14 against needless overdevelopment. Overdevelopment that consumes the landscape  
15 and becomes the norm because no one with the capacity to do so is bold enough to  
16 stand up and say no. We are blessed to live in a wonderful community and feel an  
17 immense obligation to our community and its future. And we will not take that  
18 responsibility lightly. In a recent article in the State newspaper, a former representative  
19 said, "Lawmakers listen when the public mobilizes. The best thing to do is to teach  
20 voters to get involved. The people still have the power. The problem is they don't use  
21 it." Well, ladies and gentlemen, we are here today to use that power and we hope and  
22 pray that you will listen. Thank you.

23 CHAIRMAN VAN DINE: Thank you. Harry Ownly.

1 **TESTIMONY OF HARRY OWNLY:**

2 MR. OWNLY: Good afternoon. My name is Harry Ownly. I live 231 Harry  
3 Derrick Road in Irmo. The last time we met here, nine months ago, Mr. Carl Gosline  
4 made a statement regarding this same site when it came before you as RS-1. And I  
5 quote, "The Staff recommendation denial for the reasons cited in the Staff Report,  
6 principally, that this is another subdivision far out in the northwest part of the county and  
7 there are provisions that this area remain rural in character. RS-1, which is a minimum  
8 of 12,000 square foot lots, are not rural in character." Ladies and gentlemen, this PUD  
9 development is still another subdivision being proposed far out in the northwest part of  
10 the county. And the minimum lot size is 5,500 square foot. Excuse me. This room is  
11 just about that same size. The largest lot is only 12,600 square feet. These lot sizes  
12 are not rural in character, just as Mr. Gosline pointed out nine months ago. Oddly  
13 enough, Staff implies that the proposed project is now compatible with the rural  
14 character of the adjacent parcels. They say the gross density of the plan is 1.8 units per  
15 acre. We question this number of 1.8 and believe it is wrong. It is implied that the open  
16 space of the 94 acres should be factored into the density calculation. How can open  
17 space and conservation easements also count as residential space? The true  
18 residential space, as stated in the applicant's own PUD plan on page 19, is 37.52% of  
19 the total site, or about 36 acres, which is 4.7 units per acre. Almost five units per acre is  
20 too dense for this area. It's the same proposal as submitted under the RS-1 request. It  
21 has just been wrapped up in a prettier package to make it seem more palatable to you  
22 and other county officials. Historically, the Planning Staff has rarely met a PUD they  
23 didn't like. They're land planners. It is apparently their professional nature to advocate

1 open space, which in itself is not a bad thing. It's just that it appears that preference for  
2 open space has been taken advantage of in the past. Additionally the practice of  
3 sending rezoning requests back to be resubmitted as PUDs is a practice that needs to  
4 stop. You, yourself, have discussed on this and today you have an opportunity to make  
5 a statement about this practice by saying no to the request.

6 CHAIRMAN VAN DINE: Thank you. Gary Gonzales. Buddy Amiker is next,  
7 please.

8 **TESTIMONY OF GARY GONZALES:**

9 MR. GONZALES: Thank you, ladies and gentlemen. My name is Gary  
10 Gonzales. I live at 101 Broad Bluff Point. My wife's a teacher, River Springs  
11 Elementary. My two children attend Dutch Fork High School. We looked for a while, as  
12 a community, for reason why this should be justified to move from rural to RS-1. And  
13 we can't find them. There are no answers. There are no facts. The Staff, however,  
14 because the applicant changed from RS-1, which was going to be deed restricted at  
15 180 and only built at 153, when they changed to PUD, to 172, has changed their  
16 opinion. We don't feel that that should be the case. The tone of the PUD was quite  
17 different. For example in RS-1, that application said the site currently doesn't have  
18 water service. This is still the case. But on this PUD report it says public water service  
19 is currently available in the area. It's no closer or any more available than it was when  
20 they originally submitted as RS-1. The old report reports the overcrowding conditions of  
21 the schools wasn't even mentioned. In this one it says our overcrowded schools are  
22 touted as being only a few miles away from the site and the new elementary school's  
23 under consideration. River Springs Elementary is currently over capacity. My wife

1 teaches there. Dutch Fork High School's adding six portables for the first time this fall.  
2 It also says the applicant should be commended for the commitment to their superior  
3 product and their superior presentation. The applicant [inaudible] positive steps in a  
4 positive direction. But not here, not now. Staff has the right to want to use this plan as  
5 a measuring stick against future submittals. However, not this site, not this place. The  
6 issues remain the same. Is there a need to change the zoning, again, going from 50 to  
7 93 homes as rural, to 172? The impact of this project, if approved, also the other  
8 projects that will follow, we've seen earlier today. We've seen it in the past. They've  
9 used their laser pointers as what's down the road. And then the strain of our  
10 infrastructure which diminishes our quality of life because of our overcrowded schools  
11 and roads. We want to avoid, ladies and gentlemen, the kind of meeting they're going  
12 to have in the northeast tonight at the Polo Recreation Center, as they deal with the  
13 crisis they're currently in. It's one we don't want to be involved in. Thank you very  
14 much for your time.

15 CHAIRMAN VAN DINE: Buddy Amiker. Lisa Fuller.

16 **TESTIMONY OF BUDDY AMIKER:**

17 MR. AMIKER: Good afternoon, Mr. Chairman, Commissioners. My name is  
18 Buddy Amiker. I live at 117 Bookman Mill Lane in Irmo. Thank you for the opportunity  
19 to come spend some time with you today. I want to talk to you just a little bit about  
20 compatibility. Compatible is a word that is used quite a lot in the Planning Staff's report.  
21 The report seems to stress that the proposed project and the adjacent properties are  
22 compatible. I don't see how this can be. Indicators of compatibility, according to the  
23 objectives of the Comprehensive Plan, are number one, the blending with the character

1 of the surrounding area; number two, low density development; and number three,  
2 assurance that established, low-density neighborhoods are protected from more  
3 intensive development. Take a look at this if you would, please. Does this PUD look  
4 like it accomplishes these goals? Does it look compatible with the rural character of the  
5 surrounding area? Of course it doesn't. 172 homes on 36 acres does not exactly blend  
6 with our 11 homes on the adjacent 217 acres. We don't consider almost five homes per  
7 acre as low-density development. And we do not feel that our neighborhoods have  
8 been given a second thought, much less protection. Compatible is defined as well-  
9 matched, similar, and fitting. It is a term that should only be used if the rural, RU,  
10 zoning of this property is preserved. Then, and only then, will there be true  
11 compatibility. Thank you.

12 CHAIRMAN VAN DINE: Lisa Fuller. Don Hinson would be next, please.

13 **TESTIMONY OF LISA FULLER:**

14 MS. FULLER: Good afternoon. My name is Lisa Fuller. I live at 9 Broad Bluff  
15 Court. The first page of the Staff Report says –

16 CHAIRMAN VAN DINE: If you could - I'm sorry - speak into the microphone.

17 MS. FULLER: Oh! Sorry. The very first page of the Staff Report says, "The  
18 existing zoning is presumed to be an accurate reflection of the County's desired  
19 development for the area and the subject site. Therefore the burden of proof is on the  
20 applicant to provide facts justifying the need to change the existing zoning." Ladies and  
21 gentlemen, no one has to remind you the very first item on your list of duties is to  
22 analyze any need or justification for a change. With all due respect, this site plan, with  
23 all its bells and whistles, does not justify the need for 172 homes. It does not justify the

1 need for any homes beyond what a rural zoning allows. To this day, no factual  
2 information has been given for a rezoning other than to build a subdivision, or as the  
3 new report says, "a residential community." If you look back at the previous RS-1  
4 report, the Staff stated that the applicant did not provide sufficient factual information to  
5 justify a need to change the existing rural zoning. In this PUD report, the Staff fails to  
6 address justification at all. Why? We would like to show you that there is no need, no  
7 justification for development of this magnitude in area. [Video presentation] While,  
8 with many new homes under construction and for sale already within close proximity of  
9 the site, with the establishment of a subdivision or a residential community is, in fact, the  
10 only need and justification for a change, why rezone? A subdivision can be built on the  
11 property now with no rezoning. Therefore I ask, again, why rezone? Thank you.

12 CHAIRMAN VAN DINE: Thank you. Don Hinson. Lamar Priester next, please.

13 **TESTIMONY OF DON HINSON:**

14 MR. HINSON: Name is Don Hinson. I live at 406 Killiton Court. Columbia  
15 address which is Irmo. I'm for the project. I'm not involved at all. I'm going to make  
16 some people mad with what I'm about to say. I was asked to come here, which I'm  
17 doing as a volunteer, to address the school. I'm going to be less than three minutes in  
18 everything I have to say. The schools are excellent. I moved back here from Mount  
19 Pleasant in the middle '90s. My kids I wanted them in public schools. They started in  
20 public school down there. They're better up here. My daughter graduated last spring at  
21 Dutch Fork High. My son graduated the year before. It doesn't matter what your kids or  
22 your grandkids decide to be, whether it was go into the service or whether it was go get  
23 a job or go to Tech or go to college. Out there they get a good, quality education. I

1 don't need to tell you where those schools are. They're near by. So let me leave the  
2 schools. If you've got any questions, I'll try to answer them. I am semi-retired now.  
3 And I spent about 50% of my professional life in government and about 50% in the  
4 private sector. And a lot of that has had to do with exactly what y'all do. I started out  
5 writing zoning ordinance, dealing with zoning in a place called Anderson, South  
6 Carolina. And I won't give you my history, but I've dealt with just about every aspect of  
7 infrastructure and development on the private and the public side and it's never easy.  
8 But the way I look at this - and nobody is paying me, I came, I sat through the last two  
9 meetings. You've got -the water was out there at whatever number of feet they said it  
10 was. The sewer was out there. The schools are there. I already know myself that  
11 they're at capacity. But that district is prepared to keep building and they're doing so,  
12 although I don't like my property tax bill and I'm sure other people out there don't, in a  
13 very efficient, cost effective way. And I don't understand why there isn't some room for  
14 give and take here. I've set through all three meetings. I've said I was going to make  
15 some people mad. Maybe I'm about to go over the three minutes. I guess the buzzer  
16 said I did. At least the developer he went and he brought back lower density, protection  
17 of the environment. And the answer on the traffic - most intelligent answer I've heard in  
18 any of the meetings I've sat here. You couldn't have - I don't even know what his  
19 number was. I don't hear that well. For that number of houses, more that 130 or 140  
20 cars at a peak hour situation. It takes these things to stimulate development. Good bad  
21 or otherwise, it takes these things: water, sewer, schools, transportation. It's there and  
22 it will keep coming. Why would you say, "Not there," any more than would you say, "Not  
23 here," nine miles closer in on Kennerly Road or somewhere else out in that area? I'm

1 trying to look at it objectively, whether I make anyone mad or not. I'm not being paid. I  
2 shouldn't have stuck my nose in it, but I was here to speak about the schools. If you  
3 want to know anything about the schools, I've told you about all I know. They're good  
4 schools. They turn kids out that, if those kids had all the other factors, the capacity to  
5 absorb and the willingness and the right home factors, those kids are ready to face  
6 America. That's why people want to live out there. They're going to live out there or are  
7 you going to draw the line nine miles back in? Four miles back in? You've got  
8 something that the pieces were there before all of this hullabaloo started. Thank you  
9 very much.

10 CHAIRMAN VAN DINE: Thank you. Dr. Priester. Please, we have a lot of  
11 people who want to speak. When the buzzer goes off, please step down. Thank you.

12 **TESTIMONY OF LAMAR PRIESTER:**

13 DR. PRIESTER: Mr. Chairman, ladies, and gentlemen, my name's Dr. Lamar  
14 Priester. I live at 129 Jim Koon Road in the Dutch Fork area. Lived there for 36 years.  
15 I moved out there because I wanted to get into a rural area, but more principally  
16 because I wanted to get my children into Dutch Fork schools. They were, at that time,  
17 one of the best school districts in the country and they still are. And that is still a big  
18 draw for that area. There're currently 31 subdivisions within a four mile radius of that  
19 O'Sheal site. Dutch Fork is no longer that rural, isolated corner of Richland County that  
20 I moved to 36 years ago. It's a very dynamic, rapidly growing area. And I'm very  
21 pleased to see these planned developments going and I'm here to support the project. I  
22 could read you the name of the 31 subdivisions and their radius, in miles, from O'Sheal  
23 Road along with the primary road entrances. I will tell you that the traffic situation out

1 there has continued to rise. Traffic counts are rising very much, but the county road  
2 people have been working on it. And I feel like that that traffic situation can be dealt  
3 with. I'm here to support the project. And I will just leave with you a list of those  
4 subdivisions for your edification if it helps you at all.

5 CHAIRMAN VAN DINE: Alright, thank you. Skee Caskey followed by Same  
6 Delany.

7 **TESTIMONY OF SKEE CASKEY:**

8 MR. CASKEY: Good afternoon, ladies and gentlemen. My name is Skee  
9 Caskey. I live at 437 Bookman Mill Road, which is in Irmo. The last time we were here  
10 to discuss this proposal, Planning Staff's traffic analysis indicated that Kennerly Road's  
11 capacity was being exceeded and was given the lowest rating, a LOS F. The current  
12 Staff Report downplays the fact that Kennerly Road's capacity is still being exceeded.  
13 This, instead, emphasizes the results of the applicant's traffic which concentrates on the  
14 O'Sheal and Kennerly Road intersection. In fact, three of the four conclusions reached  
15 by the study addresses this intersection, alone. The [inaudible] determined "The  
16 intersection will be able to adequately accommodate the site traffic." Hello! I think  
17 anybody could have figured this one out. There's 28 homes on O'Sheal, Harry Derrick,  
18 Ball Bluff, and Tiger Paw that currently use O'Sheal to access Kennerly Road. Now  
19 everyone else has to deal with the same problems that the traffic causes on Kennerly  
20 Road to Broad River and to Interstate 26. We believe if the applicant was going to pay  
21 to have the study done, he might have considered addressing the real problem, the  
22 accumulative effect of the traffic as it travels down Kennerly Road to reach the various  
23 destinations, namely Columbia and Harbison Boulevard. While this is a major flaw that

1 we found in the applicant's traffic study, we do not want to point out the other areas that  
2 are in question. Well, we DO want to point them out. Number one, the study cites  
3 numbers gathered by an employee of the firm that produced this report. As stated in  
4 the report, the employee was at the corner of O'Sheal and Kennerly Roads for one  
5 morning peak period and one evening peak period. And this doesn't seem possible that  
6 just one visit could generate such solid data to draw conclusions. Additionally, if you  
7 look at page 8 on the Traffic Study at figure 4 titled "2008 Site Generated Traffic  
8 Volumes", look at the number indicated on the number of cars that would enter the  
9 proposed site during the peak period. It's only 10. And they're having it leaving at 96 in  
10 the morning. So how can you get from 96 to 10 in the evening? This just puts doubt in  
11 my mind that anything else on the proposed Traffic Report is correct. It just puts doubt.

12 Thank you.

13 CHAIRMAN VAN DINE: Sam Delany. Followed by Keith Johnson.

14 **TESTIMONY OF SAM DELANY:**

15 MR. DELANY: I'm Sam Delany. 946 Sand Bar Road in Chapin. Let's talk about  
16 schools, Lexington and Richland District 5. The Staff Report states that there is a  
17 middle and high school two miles away from the site. That is true. It is also true that for  
18 the first time since Dutch Fork High opened its doors, portables will be needed to handle  
19 the number of students scheduled to attend during the 2005-2006 school year. It is also  
20 true, as the Report said, that a new elementary school is being considered for a site at  
21 the corner of Geiger and Kennerly Road. But the stark reality is that this is not a school  
22 district planning for more growth. This is a district trying to get a handle on the mess  
23 we're already in. The new elementary school is what board members see as the

1 answer to overcrowded conditions at four other elementary schools. The district is not  
2 planning another school in hopes of enrolling more students. Quite frankly, the School  
3 Board's overriding concern has been that the district does not want to promote growth  
4 and so directed the administration to find sites closer to the existing population. As a  
5 matter of fact, at the February 28<sup>th</sup> board meeting Superintendent McMann said the  
6 following as a consultant was preparing to discuss the site location for the new school.  
7 "Some people think the board didn't take into consideration how to deal with growth. I  
8 hope you can explain to the public that was one of the main concerns of the board, not  
9 to pick a site that would promote growth." Even more of a concern is the amount of  
10 money that the district must shell out to expand Dutch Fork Elementary which is located  
11 in what many would call an area that is already surrounded by existing development,  
12 like Friarsgate. But the primary reason for the expansion, as stated at a recent school  
13 board meeting, is to prepare for the new Caedemon Creek subdivision. This past year,  
14 in schools throughout the district, we grew at approximately 400 students, which is a  
15 dramatic increase over the past several years, where the norm is about 250. In some  
16 areas of the county, infrastructure – water, sewer, schools, roads – is planned and put  
17 in place before the masses move in. What a novel idea! Maybe it's time for this county  
18 to do the same. It won't happen – it can't happen – until a change in attitude takes  
19 place and begins within this very room. Thank you.

20 CHAIRMAN VAN DINE: Thank you. Keith Johnson, followed by Nick Laventis.

21 **TESTIMONY OF KEITH JOHNSON:**

22 MR. JOHNSON: Hi. My name is Keith Johnson. I live at 119 Tiger Paw Lane.  
23 The Traffic Study submitted by the applicant makes a weak summation in its fourth

1 conclusion. It says, "The site generated traffic will have a minimal impact on the area  
2 roadway given the multiple routes available." Take a look at this. The proposed site is  
3 at the top right corner of this aerial photograph. If you follow the blue line you'll see that  
4 to leave the site you have to stop and go left onto O'Sheal and stop and go left onto  
5 Kennerly. From there it's a straight shot to Broad River Road, although the further east  
6 you go the deeper the cars stack up. The company hired by the applicant suggests a  
7 better route would be to take a frontage road. Watch as the green line goes left out of  
8 the site onto O'Sheal, then left again onto Kennerly. After half a mile you turn right onto  
9 Old Tamah. However, you'll see that many students are turning onto Old Tamah. Also,  
10 to get the high school and middle school, are being dropped off by parents and buses.  
11 Once you maneuver through about a half a mile of school traffic on Old Tamah, you turn  
12 left onto Koon Road and then left onto the frontage road which eventually leads you to  
13 Broad River. If you follow the pink line, you'll end up on Koon Road again, but this time  
14 the Traffic Study author believes that to on past the frontage road and to stop at the end  
15 of Koon would be a good choice. How many of you can honestly say that you would  
16 willingly choose a route that drives you into an entirely different traffic nightmare.  
17 There's no light at the end of Koon Road and it takes forever to turn left. But once you  
18 do make the left turn, the report says that you could follow it out to I-26. Lastly, the red  
19 line follows the same route as the blue line until you reach Fire Tower Road. There you  
20 turn right, go to the end, stop at the stop sign, and then left onto the frontage road which  
21 leads you to Broad River. The only exit from Audubon Oaks subdivision is onto Fire  
22 Tower Road. School traffic from Audubon Oaks follows this same route to Dutch Fork  
23 Elementary every day. The Traffic Report points out that there are other alternate

1 routes besides these three and we agree, there are. But rather than just looking at the  
2 2003 numbers as the traffic analyst did, we looked at the historical data. In fact, we  
3 tried to get 2004 data but it's not yet been posted. And, quite simply, the available data  
4 shows that the alternate routes are being passed by in favor of Kennerly Road. The  
5 number of cars traveling alternate routes has dropped significantly on some roads and  
6 beginning to drop on others because the others are out of the way, inconvenient, and  
7 even more time consuming. Alternate routes do not appear to be the answer regardless  
8 of what this Traffic Report concludes. Thank you.

9 CHAIRMAN VAN DINE: Thank you. Nick Leventis. Followed by Frank Berry.

10 **TESTIMONY OF FRANK BERRY:**

11 MR. BERRY: I'm going to speak for Nick. I'm Frank Berry.

12 CHAIRMAN VAN DINE: Alright.

13 MR. BERRY: I currently work for Essex Homes and I can be reached their 4458  
14 address, as well.

15 CHAIRMAN VAN DINE: If you please –

16 MS. WYATT: Tilt the microphone down, please.

17 CHAIRMAN VAN DINE: Microphone down in front of you, please.

18 MR. BERRY: They didn't make it for short people. Currently before you, you see  
19 a condition of what we have noticed our adjacent property owners to be doing next to  
20 our property as well as onto ours. There is heavy debris as well as old abandoned cars.  
21 There's littering on our property that, obviously, has – possibly and could come from  
22 adjacent property owners as well as other means. There's four-wheeler trails

1 throughout our property, as well. As well as using the riverfront of our property as their,  
2 looks like, private boat dock. If there's anything else I can answer.

3 CHAIRMAN VAN DINE: Thank you. Phyllis Glenn, followed by Charlene Turner.

4 **TESTIMONY OF PHYLLIS GLENN:**

5 MS. GLENN: Hello. My name is Phyllis Glenn and I live at 301 Bookman Mill  
6 Road, which backs up to this property. And please consider this when voting today.  
7 Video: "Just three weeks ago..." Thank you.

8 CHAIRMAN VAN DINE: Thank you. Charlene Turner, followed by Don Turner.

9 **TESTIMONY OF CHARLENE TURNER:**

10 MS. TURNER: My name is Charlene Turner and I live at 200 Harry Derrick Road.  
11 We've talked about traffic statistics and alternate routes and Kennerly Road and now I'd  
12 like for you take a look at O'Sheal Road. This is the approach. You can't see O'Sheal  
13 Road because it's at the top of this hill to the right. But more importantly, if someone is  
14 exiting O'Sheal, they can't see you either. Notice our cow crossing sign. It's the only  
15 one on Kennerly except for the one facing the opposite direction. Doc and June Derrick  
16 have had cows for years and move them back and forth across Kennerly to different  
17 fields several times a year. Their house is right there on the corner of Kennerly and  
18 O'Sheal. As soon as you turn in you can see our dead end sign and our dead end road.  
19 You can also see that O'Sheal is not in good condition. It's a state-maintained road and  
20 we don't expect them to make any improvements on this road for awhile. It was only a  
21 couple of years ago that they glued down those yellow reflectors in the middle so that  
22 we'd know which side to stay on, especially at night. I think one thing that concerns all  
23 of us is that this proposed development will be fronting on this road rather than a

1 connector or a feeder or just a road in better condition, rather than on a road that will  
2 send some of the exiting traffic in both directions. Here's where you enter the proposed  
3 subdivision. Turn around and there's no reason to go right because this is a dead end  
4 road. So all the cars will be pulling out to the left and then left again onto Kennerly. The  
5 traffic will all flow in the same exact direction, one car right after another. Now back up  
6 for a second because there's something else I'd like to show you. When you check  
7 right before pulling out of Harry Derrick, do you see that blind curve? That's a road  
8 hazard all of us have to be careful of right now. I'm not sure how an extra thousand or  
9 so daily trips out of the subdivision will handle this hazard. But I'd say the chances  
10 increase dramatically that something bad could happen. Also, look where that curve  
11 begins. From the general PUD plan it looks like this is where the applicant wants to  
12 relocate Harry Derrick Road. I'd say cars entering and exiting at this curve might not be  
13 a great idea, either. A good example would be the River Walk subdivision at Kennerly.  
14 Cars exit and enter here, on the blind curve, day in and day out. These recent traffic  
15 reports show you how dangerous it is. It's where someone lost their life just a few  
16 months ago. Well, that's O'Sheal Road and another reason we ask you to vote no.

17 CHAIRMAN VAN DINE: Don Turner, followed by Don Carlson.

18 **TESTIMONY OF DON TURNER:**

19 MR. TURNER: Thank you. I will be brief. I'm a traffic engineer by trade.

20 CHAIRMAN VAN DINE: Name and address, I'm sorry, please.

21 MR. TURNER: Excuse me?

22 CHAIRMAN VAN DINE: Name and address.

23 MR. TURNER: Oh, I'm Don Turner, 200 Harry Derrick Road.

1 CHAIRMAN VAN DINE: Thank you.

2 MR. TURNER: I'm adjacent to this property. I am a traffic engineer. I reviewed  
3 the studies that were presented. And I think it's correct that Kennerly and O'Sheal will  
4 operate satisfactorily. The problem we have is getting to that intersection at Broad  
5 River Road. As you've seen, the alternate routes are not desirable and I'm not sure  
6 why we should have to adjust our traffic patterns to accommodate another subdivision.  
7 Thank you.

8 CHAIRMAN VAN DINE: Thank you. Don Carlson, followed by Jerry Nemeyer.

9 **TESTIMONY OF DON CARLSON:**

10 MR. CARLSON: Good evening. I'm Don Carlson, 2519 Wessinger Road. I'd like  
11 to - appreciate the opportunity to speak with you. One thing I'd like to call your attention  
12 to is, if you would, think about the 3 x 5 board that went up that depicted this  
13 development. And what you really saw around that was a white area so that really your  
14 eye only focused on what was being proposed. But what I would like you to think about  
15 was think about that same picture except everything behind it is black. Around it is a big  
16 black area. And I think that one thing that's really important from a planning point of  
17 view is thinking about, predominately, what is in that black area. What is in that black  
18 area is what is there today. It's where these people are today. It's where they live, what  
19 they built their hopes and dreams on. And as you postulate what you may wish to do  
20 with rezoning, I would really think that you – really think about what's in that black area.  
21 And that first, I think, is the fact you really and I, in my humble opinion, think that you  
22 should not think about development or zoning in an environmental and holistic vacuum.

1 And so I would ask, as you consider this proposal, think about everything that's outside  
2 of that area because that's really where your constituents are. Thank you.

3 CHAIRMAN VAN DINE: Thank you. Jerry Nemeyer, followed by Thomas  
4 Simmons.

5 **TESTIMONY OF JERRY NEMEYER:**

6 MR. NEMEYER: I'm Jerry Nemeyer. I live at 1221 O'Sheal Road. I'm at the very  
7 end of O'Sheal. I'm going to keep this on a personal note because everyone's given a  
8 lot of nice statistics and told how they opposed it. But my wife and I built our own  
9 house, by hand, 18 years ago. And we're really opposed to more traffic and more  
10 crowding in this pristine rural setting. What these folks propose on doing is not  
11 compatible with our way of life and our neighbor's way of life. Thank you very much.

12 CHAIRMAN VAN DINE: Thank you. Thomas Simmons, followed by Kim Murphy.

13 **TESTIMONY OF THOMAS SIMMONS:**

14 MR. SIMMONS: My name is Tom Simmons and I live at 455 Bookman Mill Road,  
15 Irmo. I'm going to be as brief as possible. The one issue, though, that I want to alert  
16 you to is important not only to me privately but the larger community. And that's  
17 namely, that a wide variety of housing options are important for this town and county to  
18 attract new people into this area. You may think that sounds counterintuitive, but it is  
19 really not. In 1999, as I approached my retirement date, I and my wife did a detailed  
20 and analytic study of approximately 25 different cities that we might go to. In 2001,  
21 shortly after retirement, we traveled as deep as three states all the way from the east  
22 coast all the way to the California border. And people in Columbia are surprised when I  
23 tell them that Columbia, South Carolina won out over anything we saw from

1 Albuquerque to some of the glamorous spots. One of those reasons was the availability  
2 of a rural setting and the natural environment in which to live. I think many people today  
3 have talked about the growing suburbs, the development. This is putting more and  
4 more pressure on the availability of rural land. I don't think you want to make it  
5 impossible for people to be attracted and drawn into this area by basically exterminating  
6 land that offers some acreage in a natural environment. I think this new development,  
7 while it's very commendable, it probably does not belong in this area. I think we need to  
8 preserve the ability of families and people to come into this area and to have a rural  
9 lifestyle. There's much acreage available that's probably more suitable, that's flat land,  
10 that does not have the natural attributes, the river, the wildlife that exists in this area.

11 Thank you very much.

12 CHAIRMAN VAN DINE: Thank you. Kim Murphy.

13 AUDIENCE MEMBER: She had to leave.

14 CHAIRMAN VAN DINE: LeAnn Johnson, followed by – I'm going to give it a shot  
15 – Yancey [inaudible].

16 **TESTIMONY OF LEANN JOHNSON:**

17 MS. JOHNSON: Hi. My name's LeAnn Johnson and I live at 119 Tiger Paw  
18 Lane. I'm not sure how many times that we have said this this afternoon, but we do  
19 appreciate the opportunity to be here today to explain to you why we believe this  
20 rezoning is not good for our community or Richland County. Dominos! When I think  
21 about dominos I think about my grandmother. Besides my father, she is the hardest  
22 person in the world to buy a Christmas gift for. So a couple of years ago when she  
23 mentioned that she'd liked a set of dominos that a friend of hers had, you should have

1 seen all of the cousins the nanosecond grandma walked out of the room. Well, actually  
2 she is hard of hearing so she hadn't really actually even walked out of the room when  
3 we were screaming, "I call the dominos for Christmas." "No, I'm the one who got her to  
4 start talking about it." "Well, I heard it first." It was a knockdown drag out between  
5 cousins who are all, let's just say, over 30. We laugh about this today. It is our family's  
6 own infamous domino effect. That's how a lot us feel about this rezoning proposal.  
7 First, if this rezoning request is approved, it will start the domino effect. Other  
8 developers will use it as an open invitation or, as you said earlier Mr. Van Dine, it will  
9 open the floodgates. They'll come up here to you in front of you and say, "Well, there's  
10 already subdivisions being developed out there. Why not mine?" Secondly, we don't  
11 want to cause a knockdown drag out. If we thought it would make a difference, we  
12 might be rolling around on the floor right now with some of those folks back there. But  
13 we know that it wouldn't make a difference on how you interpret all of the facts and  
14 figures that we have provided you today. Ladies and gentlemen, we feel we've  
15 addressed everything relevant to make our case here today. We don't feel you could  
16 possibly vote to approve this PUD after what you've just witnessed and the information  
17 we've provided. I'm not sure how often you have this many people attend your  
18 meetings. Well, it was a lot more earlier. But I think we all know why. The decision you  
19 make today, as a Commission, is important. All we ask is that you do the right thing.  
20 Before I go I wanted you to know that I'm the one that came on top. I bought a beautiful  
21 set of dominos for my grandmother and she loves them and plays with them still today.  
22 Thank you.

23 CHAIRMAN VAN DINE: Wesley Graybill.

1 **TESTIMONY OF WESLEY GRAYBILL:**

2 MR. GRAYBILL: My name is Wesley Graybill. I'm an attorney representing the  
3 applicant. And I'm here to kind of offer some summation to some of the things they've  
4 said today and to talk about some of the things raised by the neighbors. First of all I  
5 want to make a statement that the applicant has heard the concerns of the neighbors  
6 and the county and they have made every effort to accommodate those concerns. The  
7 PUD planner has met with the residents on a couple of occasions, has incorporated the  
8 ideas into the plan that he presented. With all due respect to the neighbors, they don't  
9 want RS-1. They made that clear. And I think today they're making it clear they don't  
10 want a PUD. Basically, they have demonstrated they do not want the property  
11 developed at all. It's clear that the residents will never be satisfied with the efforts of the  
12 developer to develop the property in a careful fashion. As the Planning Staff has  
13 accurately noted, the PUD plan has been recommended as a model for future plans of  
14 this type. Every potential issue has been addressed in detail. This plan will be a model  
15 community that will blend the wonderful physical attributes of the property with a  
16 residential community of the highest quality. The developer's gone to extraordinary  
17 lengths to address the concerns of the neighbors and the county. The Planning Staff is  
18 obviously convinced that the detailed planning conducted by the developer is exactly  
19 what was needed in order to address and alleviate those concerns. Now, when we  
20 were at the County Council meeting back when the RS-1 was being considered, the  
21 Council strongly recommended that it be sent back to be considered as a PUD and  
22 indicated they would approve it as a PUD. And it's been demonstrated today that this is  
23 a flawless – I think, in the eyes of the Planning Staff – a flawless plan that's been

1 presented. I want to point out a couple of things that the neighbors have raised that I  
2 take some issue with. I don't think lot sizes are relevant when the lots are surrounded  
3 by abundant open space, as has been demonstrated here. The new elementary school  
4 has been approved in the area. And new high school and middle schools are being  
5 planned, currently. I believe that the slide show of all the property signs demonstrates  
6 that this is an area that is ripe for development. There's development all around this  
7 property. This is a pocket, essentially a pocket, they're trying to preserve. The traffic  
8 engineer, Wilbur Smith, they're a nationally recognized authority in the area. I think the  
9 Staff has obviously recognized that. And I think that should speak for itself. Again, the  
10 Kennerly Road video demonstrates that this is not a rural area. You saw all the traffic  
11 on that road. They can't have it both ways, essentially. Thank you.

12 CHAIRMAN VAN DINE: Yancey McLeod.

13 **TESTIMONY OF YANCEY MCLEOD**

14 MS. MCLEOD: Good afternoon, ladies and gentlemen. My name is Yancey  
15 McLeod. I live at 1 Cook's Mountain Road. And I really don't have a dog in the fight  
16 except that I care very deeply about Richland County and I've lived here all my life. And  
17 I have been a conservationist all my life. I am not anti-growth. On the contrary, I make  
18 my living doing conservation easements all over the United States, working with  
19 landowners and developers, and showing them how to be adequately compensated by  
20 protecting God's resources. And, in my humble opinion, it's not a question of whether  
21 development of this particular tract of land is appropriate, it's the manner in which it is  
22 proposed to be developed. I'm not anti-growth. I am for proper growth. And this is not  
23 a question of how large the lots are; it is a question of how many lots there are. One

1 hundred and seventy-two lots on 94 acres, at the very best, fragments all of the  
2 habitats, the blue-line USGA stream. It is impossible to put 172 lots stretching from one  
3 end of this fairly narrow property all the way to the river without having a dramatic and  
4 significant and measurable impact on God's resources. And, if they need to put 172  
5 homes on this tract and y'all think that's a good idea, then the conservation method to  
6 do that is to put one great big building and zone it RG-2, or whatever zoning  
7 classification allows for a big old building, and keep them all up at one end of the  
8 property. It will ruin the resources of this particular tract. And what drives me crazy –  
9 and I'm not being critical of anybody – I love Earl McLeod to death - what drives me  
10 crazy is that this does not exist in a vacuum. A development in this particular part of the  
11 county is a spider web. And all of the sub-watersheds and major creeks and streams  
12 are all interconnected. And it is impossible to develop this tract of land with 172 homes  
13 and not have a dramatic impact. It is not conservation in my opinion. And I would ask  
14 you, as a conservationist and as a lifelong resident of this county, to please deny this  
15 request.

16 CHAIRMAN VAN DINE: Thank you. Those are all the people who have signed  
17 both for and against the project. I'll open it up for Commission Member's questions,  
18 comments.

19 MR. GREEN: I had one question for Staff. How many lots were requested when  
20 this last came before us?

21 MR. GOSLINE: I don't remember. I think we had some testimony that was 150  
22 some.

1 CHAIRMAN VAN DINE: I think it was 180, but they had said they were going to  
2 put 153 or something to that effect.

3 MR. GREEN: Thank you.

4 MR. MANNING: Carl, how many lots could you put on this site with the existing  
5 rural zoning?

6 MR. GOSLINE: A little over 100 because you get three-quarter acre lots. But  
7 you'd need – probably not even 100. It's 94 acres less the road.

8 MR. MANNING: But that would be developed out entirely?

9 MR. GOSLINE: Right.

10 CHAIRMAN VAN DINE: Anybody else have any comments, questions?

11 MS. LUCIUS: Well, I just think, you know, we've heard a lot of information, a lot  
12 of statistics, about schools and roads and everything. But I think the nuts and bolts is  
13 are we going to preserve our rural areas, and does this need to change from rural to –  
14 and let's call it what it is – it's RS-1. I don't have to repeat what I said about the kittens  
15 in the ovens again, I don't think. Because you can call it a PUD, but it's RS-1. And we  
16 denied RS-1 before. So let's don't be blinded by the word 'PUD'. I think it's a beautiful  
17 PUD, you know. I don't see anything wrong with it. I just don't think it's the right place  
18 for it. We're getting ready to redraw all of our county maps. And I look at this area, do  
19 we want to leave that as rural or do we want to put RS-1 in the middle of it? I think  
20 that's the question we've got to decide.

21 CHAIRMAN VAN DINE: Mr. Gosline.

1 MR. GOSLINE: Mr. Chairman and Members, it's, Ms. Lucius, it's not an R- it's  
2 the same number of lots. Well, it's not even the same number of lots. But an RS-1  
3 would be a conventional subdivision of 12,000 square feet.

4 MS. LUCIUS: I understand that. I'm talking about as far as the number of homes  
5 going in there. Yeah, I know that the, you know, they're arranged very - it's like I say.  
6 It's beautiful. I have no problem with the PUD. I think it's great. I would vote for it  
7 anywhere else, but not here. It's in the middle of rural.

8 MR. JACKSON: It's, like Ms. Lucius said, it's a beautiful design. I'm always  
9 concerned about the rural character and most of all the traffic. I see where we have  
10 equals a capacity ratio of 2.28. Several months ago I tried to get us to a discussion or a  
11 debate about how we'll pay for rural farm to market roads because we'll have these  
12 problems coming. And development in the rural community continues to flood these  
13 roads. It's a level of service F. And I cannot support development that continues to pop  
14 up different parts of the area and the county in the rural areas with two-lane roads with a  
15 ditch, exceeding the capacity, and there's no plan to widen the roads, build more roads,  
16 widen the right-of-way - I mean the shoulder - or anything. And, yes, it's a beautiful  
17 design, where it's not compatible with the quality of life for the residents there, the rural  
18 character. And I just have a concern and that is always my concern is the quality of life,  
19 the traffic and safety on those roads.

20 CHAIRMAN VAN DINE: I have a number of issues that I think have not been  
21 adequately addressed. The first is that the water is over a mile away. That mile is  
22 going to be completed. If this project comes in, the water will come. Everything  
23 between that ending of the line and this will then be subject to and open to development

1 because everybody will hear the water is here already. So we've got to tap into that.  
2 We've got to allow people to come in there. Mr. McLeod said it far more eloquently than  
3 I could have said it. What we have is a development that impacts everything around it.  
4 We have said it in the past. We ought to be looking at these pieces of property and  
5 what they do with the property and to the property around them. I think that this  
6 development, while beautifully laid out, beautifully designed, is just not the right  
7 development in this area. I don't think O'Sheal Road can handle it. I don't think that the  
8 pavement that exists will handle even the increased traffic, let alone the construction  
9 traffic. The people who live on Tiger Paw and O'Sheal will have problems from the day  
10 that they open up and start the development. I don't think that the alternate routes that  
11 people are talking about are any safer or will have any better access onto the interstates  
12 or anything else. So I – as much as the plan looks very good – I don't think it's in the  
13 right spot. And I don't think that we ought to be opening this part of the county up to the  
14 development that's existing out there.

15 MR. GOSLINE: Mr. Chairman.

16 CHAIRMAN VAN DINE: Mr. Gosline.

17 MR. GOSLINE: Well, what you say is true except we don't control the water  
18 distribution. So we can't do anything about that. The sewer lines are already there.  
19 There's no question that this project is a precedent. I think, from our point of view, it's  
20 appropriate given the fact that the utilities are going to be there anyway.

21 CHAIRMAN VAN DINE: Mr. Gosline, to expand the amount of property that can  
22 be developed and the number of lots that could be put on there under the present  
23 zoning, simply to say, "Water's coming so therefore we ought to put it in there." Fine. If

1 the water's coming, then use the rural zoning for the size lots that you're using and  
2 develop it in that fashion and that size. We don't have to change it. The development is  
3 not going to stop. They have the ability to develop that property. It's at a lower density.  
4 So simply saying that, you know, water's going to come in does not necessarily mean  
5 we have to enhance or increase the density of that property.

6 MR. GOSLINE: Mr. Chairman, Ms. Lucius – we had the same discussion last  
7 time. Y'all are absolutely correct. The real question is are we going to protect the rural  
8 areas? And it doesn't appear as though we're doing that – or we can do it because the  
9 sewer's already there and the water can go wherever they want.

10 CHAIRMAN VAN DINE: Doesn't mean we rubber stamp or we cave into  
11 everything that goes on.

12 MR. GOSLINE: No, sir.

13 CHAIRMAN VAN DINE: We still stand up for our position. And even if County  
14 Council is going to turn around and override our recommendation, if that were to be the  
15 Commission's recommendation, we still have the responsibility to vote as we see –

16 MR. GOSLINE: Absolutely.

17 CHAIRMAN VAN DINE: - and what we think is appropriate for that area.

18 MR. GOSLINE: Absolutely.

19 MS. LUCIUS: The statement was made that these don't want any development.  
20 Well, that's not true. It's like Mr. Van Dine said, it can be developed. We're being  
21 asked should it change from rural to something else. That's what we've got to decide.

22 MR. GOSLINE: Absolutely.

1 MS. LUCIUS: Do we want to keep it in rural or not? The fact that it can't be  
2 developed is not appropriate. It's not germane.

3 MR. JACKSON: In developing the Comprehensive Land Use Plan, different  
4 areas of the county, residents voiced their concern on their needs and their wants for  
5 their area. And most of the rural area wanted to keep their area, keep the rural  
6 character. That was one. So even if water and sewer comes there, you can still use  
7 [inaudible] if it's rural. It doesn't mean, necessarily, it has to change because water and  
8 sewer is there.

9 MR. MANNING: Mr. Chairman, I wanted to speak to something I heard Mr.  
10 McLeod say and I think he expressed it pretty well. But I'm not so sure that  
11 development as a rural neighborhood, lotting it out at 100 units or 120 units, whatever it  
12 is, would be any lighter on the land even if it was considered compatible. Fifty acres –  
13 the 40 acres that would be conserved in the process, does that not help the process? If  
14 you lot that neighborhood out with 100 lots, it would, I think, have a tremendous impact  
15 on the –

16 CHAIRMAN VAN DINE: Mr. Manning, they're having problems hearing you for  
17 the tape purposes.

18 MR. MANNING: Excuse me?

19 CHAIRMAN VAN DINE: They're having problems hearing you on the  
20 microphone.

21 MR. MANNING: Can you hear me?

22 MS. LUCIUS: Can you hear me, now?

1 MR. MANNING: I'm concerned about compatibility and the natural resource, as  
2 well. But I'm not so sure that lotting this neighborhood out with 100 lots is the right thing  
3 to do, either. And that will ultimately be before this Commission, at some point in time,  
4 to develop it as rural. Light on the land doesn't necessarily mean units but how much  
5 we impact in getting those units.

6 MS. WYATT: Mr. Chair, I'd like to ask a couple of questions of the applicant.  
7 Maybe I'll just go ahead and state the questions then you can come up and answer  
8 them, but the conservation easement area that's located on the river, who is going to  
9 enforce that? Is it going to be a homeowners' association or the land trust group that  
10 spoke in favor? Have you given any consideration to hiring a conservationist to go in  
11 and kind of lay some of this out so that it could be a little more protected? I had another  
12 question. Now I can't think of it. But I'd like those two things answered.

13 MR. HAYTER: Well, if I can have a confession of the soul, there is merit among  
14 everything you're hearing today. All of these folks who legitimately don't want this to  
15 occur are speaking not only factually, but emotionally, and with accuracy. I'm in a  
16 dilemma in that I have this opportunity all around our country. And I'd ask you all this  
17 before we go much further. Rural by design, is the future that this county faces – not  
18 rural by zoning. Ladies and gentlemen, neighbors have heard me say this, to be a  
19 steward of the environment, contrary to what our eloquent speaker who spoke earlier – I  
20 am a conservationist. I practice it every day. When you use septic tanks and wells on  
21 3,300 square foot lots, the quality of the Broad River is obvious. The water table tap is  
22 obvious. It is irresponsible for me, in my position, to recommend to my client, and to  
23 you, with pattern of logic lay out 100 lots on this property with no response to the land

1 itself, to the draws, the fern laden valleys. Regardless of how insensitive our previous  
2 speaker thinks I am to those things, if you'll look on page 33 of your notebook, there is a  
3 topographical analysis down to fractions of percent of land use. Great effort has been  
4 gone to try to one, educate my client – and that's not meant negatively. And today I'm  
5 trying to do the same to you. This is not the last time that these folks will be here about  
6 another piece of property. There's a textbook by the title I just used in my opening  
7 comment, "Rural by Design." It's written, in all places, in the Connecticut River Valley.  
8 Folks, they've been dealing with what you're just beginning to face for decades. And  
9 the loss is something – sir, I don't know your name – I would do nothing to directly lose  
10 the rural character of this property. Now to answer the lady's question. The  
11 conservation easement will be as follows. And Ms. Green can follow me. It's very  
12 common, and in your statutes in South Carolina, conservation groups like Colt can lay  
13 on easement for privately held property and in this case, by a property owners'  
14 association. The developer will no longer be involved once, and if, this proceeds. So  
15 the property owners' association is the holder of the ownership of the property on top of  
16 which there is an easement, a legal document, on what that land can be used for, how it  
17 can be done, and so forth. I won't go into the details of how detailed those things can  
18 be, but very detailed. I have walked this property 12 times. I have flown it with a  
19 helicopter at treetop height. And I've dug holes in the soil, looked at the water tables –  
20 or not the water tables, the water courses and so forth. So it's not without some sense  
21 of mutual appreciation what you face. It is not an easy decision. But "Webster" defines  
22 compatibility as follows: The ability for two things to exist in harmony, yet different from  
23 one another. Compatibility does not mean they are the same. Thank you very much.

1 MR. JACKSON: Just to add to that. And I'm not knocking "Rural by Design". I'm  
2 the person who asked the County Realtor to purchase that book, "Rural by Design," and  
3 look all these principles. My main concern, as I say, again, is the use of the farm to  
4 market roads which have a level of capacity F and there's a lot of danger. My concern  
5 is safety. I'm a planner, by trade, and I have to look at those [inaudible].

6 MR. HAYTER: That level of F occurs about four miles from the site. So clearly  
7 we all have an issue here as to where does that level of service actually occur.

8 MR. JACKSON: I understand.

9 MR. HAYTER: Do you understand what I'm saying? So I agree with you. When  
10 you have limited option to go from point A to point B and there's already, what I'll call an  
11 artery problem, that's clearly beyond the scope of not just this project but any project  
12 occurring in that part of Richland County.

13 CHAIRMAN VAN DINE: Any other comments or questions of Staff?

14 MS. WYATT: I'd like to ask – I believe her first name was Sue – going back to the  
15 conservation. Is there anything in any of the documents that somehow would protect  
16 the river from the runoff which is going to occur three, four, five years from now and the  
17 chemicals that, unfortunately, all of us tend to put on our yards that eventually are going  
18 to wash off into that river? And I know, being a lake community owner, it creates some  
19 major problems when you start putting, you know, those chemicals into a body of water  
20 as far as producing grasses and weeds and those kinds of things. Is there anything  
21 that's in that document that somehow you're going to come in there and maybe put  
22 some additional landscaping, ground covering, anything that would stop some of that  
23 from going off into the lake?

1 MS. GREEN: The Conservation Easement Document is a legal document. It is  
2 the strongest, land restrictive type of vehicle that is in existence. It runs with the title of  
3 the property. No matter who owns that property, they always have to abide by the  
4 Conservation Easement specifics. Even if the homeowners' association wants to  
5 relinquish the conservation easement, they cannot do that. It is tied to the land. Each  
6 conservation easement document is written specific to the needs of the property. And,  
7 yes, typically, in the conservation easement documents that Community Open Land  
8 Trust holds, we do have a provision that regulates the use of herbicides, biocides. We  
9 also don't limit it to that. We, of course, we direct and actually respond to every issue  
10 that deals with the environment, to water quality, to tree protection, to soil stabilization,  
11 to minimizing the change in the terrain or limiting the change in the terrain, to what can  
12 be built, if anything can be built there, and also to the use of the property. Now  
13 specifically pertaining to this project, a conservation easement document has not been  
14 written for it. However, you have the conceptual master plan that the Hayter Firm has  
15 done. And it shows the projected area of conservation. In that area, you only have two  
16 structures and they're really minimal, overlook structures and you have a natural path.  
17 Now that natural path will be limited to walking, hiking. That natural path will be created  
18 by a piece of equipment. I can't even remember the name of it. But it is – it creates the  
19 least amount of impact on property whatsoever. So it won't disturb the roots of the  
20 existing trees. It won't create additional runoff. We're going to come in and put a  
21 pervious surface down, probably just some pine straw, so we don't have any additional  
22 water quality issues. We, also, will, more than likely, employ some low-impact  
23 development practices that – I don't know how familiar this group is with low-impact

1 development practices, but they lessen the impact of storm water drainage on the  
2 surrounding area. There are a number of lakes that are planned. Those aren't just for  
3 aesthetics. Those lakes will be retention – or detention – lakes. They will hold the  
4 storm water. They will act as a filtration system that will filter out all the silt that may  
5 eventually – from the water that will eventually drain into the Broad River. And then, on  
6 another note –

7 MS. WYATT: Well, let me ask you the question since you mentioned that you're  
8 going to have detention ponds. Are those going to be the responsibility of the  
9 homeowners' association?

10 MS. GREEN: I don't know how, honestly, I don't know how the property owner or  
11 the developer is planning those. I think most of them are in the conservation area; so,  
12 therefore, they would be maintained by the homeowners' association. I'm not sure how  
13 it works here in Richland County. I know in Lexington County retention basins are the  
14 ownership – become the ownership of Lexington County. But in Richland County, I'm  
15 not sure how that works. The Community Open Land Trust will be stewards of the land  
16 in the way that we monitor the easement on an annual basis. And that's a requirement  
17 of the federal government, is for us to monitor the easement on an annual basis to  
18 ensure that the easement is being applied with (sic). Those retention ponds [inaudible]  
19 be responsibility either of the county or the property owner.

20 MS. WYATT: Thank you. You've answered my question.

21 MS. GREEN: One other point I'd like to bring out is that you asked about the  
22 storm water runoff and erosion control and so forth. During construction, of course, all  
23 the best management practices will be applied. And being that there is a high bluff on

1 this property with a significant drop off to the river, there won't be any land disturbance  
2 in that area below that bluff. So the water will actually be going back down into  
3 channelized areas which will go through that water quality process, filtration process.  
4 And if I may add one more note, development is inevitable. We all know that. It's going  
5 to come. And it's a choice. And you have a choice today. It's a choice of do we want  
6 well-planned, sensible development that looks at all those considerations that we've  
7 discussed today, or do we want lots that come in, individually, where they come in, they  
8 cut down every tree, they do whatever grading they want to, and put the houses up that  
9 they want to and not have any significant care to the natural features of the property.  
10 And that's what you're really deciding today. You're going to leave it rural and you're  
11 going to let people just come in and dice it up into, you know, five acre lots, or are you  
12 going to do a well-planned development that takes into consideration its natural  
13 resources? Thank you.

14 MR. PALMER: Mr. Chair, I just have a couple of comments. This is a gorgeous  
15 tract of land and I believe it's a gorgeous project. And I've sat here and I've listened  
16 intently. And what I could see possibly happening on this tract of land is what I see  
17 possibly happening across our county with rural property. And we see it month after  
18 month is a property owner going in, and except for the buffers, basically harvesting a  
19 tract of land putting in three-quarter acre lots that has a tree in the front yard and a light  
20 pole every four houses. And that's what could be done on this property. But what is  
21 proposed to be done is a gorgeous project that keeps the property that's adjacent to the  
22 river undisturbed. Whereas I know he could make a lot of money by putting houses on  
23 that river and has decided not to do that to keep it preserved and keep it natural and

1 has put tremendous buffers in here. It goes way beyond what is required and even  
2 thought of. And I don't know of any other project in Columbia that has gone to these  
3 lengths. And I see this as a gorgeous project that, while there is a rural setting as far as  
4 zoning is concerned, the traffic that I so eloquently saw done on here shows me that it's  
5 not a rural area. That these roads that are some four miles from here are operating at a  
6 level F. And when I think of rural, I don't think of sitting in traffic. But that's what I see  
7 done on these videos. And I just – I see this as a good project, and having said that, I  
8 would make a motion in compliance with the Staff recommendation for approval.

9 CHAIRMAN VAN DINE: General Development Plan.

10 MR. PALMER: And as well as the General Development Plan.

11 CHAIRMAN VAN DINE: We have a motion.

12 MR. MANNING: Second.

13 CHAIRMAN VAN DINE: Further discussion. All those in favor of the motion -.  
14 We need to separate it by –

15 MR. GOSLINE: You need –

16 CHAIRMAN VAN DINE: - the Development Plan as one motion and the approval  
17 as one motion.

18 MS. LINDER: I believe if you are recommending approval of the General  
19 Development Plan as well as recommending approval of the zoning, you could do it as  
20 one motion.

21 MR. PALMER: That is my motion.

22 CHAIRMAN VAN DINE: All those in favor of the motion please signify by raising  
23 your hand. All those opposed.

1 *[Approved: Palmer, Wyatt, Green, Manning; Opposed: Furgess, Lucius, Jackson, Van*  
2 *Dine, McBride]*

3 MR. CRISS: Four/five.

4 CHAIRMAN VAN DINE: So it will go forward with –

5 MR. CRISS: Motion fails.

6 CHAIRMAN VAN DINE: We need an alternative motion.

7 MR. JACKSON: I move that the [inaudible] be denied.

8 CHAIRMAN VAN DINE: And the General Development Plan also be denied, as  
9 well.

10 MR. JACKSON: As well, [inaudible].

11 MR. PALMER: And the reason for denial against the county and the Staff  
12 recommendation is?

13 MR. JACKSON: Based on safety, the capacity of the roads in the area. I see  
14 there's a problem. It has not been addressed. For several months I've been trying to  
15 get addressed. It has not been addressed. And I have serious concern about the  
16 safety of people using those rural roads with no shoulder and two lanes. For that, I  
17 request denial.

18 CHAIRMAN VAN DINE: Do I hear a second?

19 MS. LUCIUS: I'll second. And I just – what I said earlier. I think it's – I think it's a  
20 gorgeous plan it's just not in the right place. This is a rural area that I think we need to  
21 - we're getting ready to redraw the maps. When we look at these maps we're going to  
22 have to make these decisions. And I don't see how you can look at this and call it  
23 anything other than rural.

1 CHAIRMAN VAN DINE: For my part, I would simply adopt, what I said earlier, for  
2 reasons – that development can be done on the property as it is. I don't believe that the  
3 layout takes into account the current area and what the area is out there. I don't believe  
4 the roads can support the development. I don't believe that O'Sheal or any of the other  
5 roads out there are presently in any shape to handle those kind of things and I see  
6 nothing in the plan to take into account or to fix any of the problems with those areas.  
7 So, for those reasons I was for Mr. Jackson's motion.

8 MS. WYATT: I guess what I'm going to have a hard time with, Mr. Chair, from  
9 now on is every project, basically, that comes in front of us – and I'm sitting here  
10 reflecting in the last couple of years how I have fought for Clemson and Hardscrabble  
11 Road to say 'no' because of the problems and Mr. Jackson, you have voted for them.  
12 Now you're sitting here suddenly saying, "We got a problem with farm to market roads  
13 and we have to stop it." You know, let's be consistent once in awhile. That is the only  
14 thing I'm going to ask of this Body from now until I go off in January. I am going to go  
15 back through, between now and next month, with Ms. Lucius' help, and show that we  
16 are not being that way. We are - we talk about a farm to market road. Let's talk about  
17 Turkey Farm out in Blythewood! [Applause]. Let's be consistent! That's all I want out  
18 of this Body. And I guess the only reason that I could support this, this project – I voted  
19 'no' to it before and it was an environment issue that I voted 'no'. I feel a little more  
20 comfortable this time. There is a conservation easement on it that is going to be  
21 monitored to protect the environment. If it goes back and it stays in the rural and people  
22 go in there and build beautiful, grandiose home, and with grandiose homes, even  
23 mobile homes, come the need to have landscaping; we're going to have all this wash

1 going into the river. At least this way we are doing something with this project, had we  
2 voted for it, to protect that river. We're not now. If it goes through – or fails County  
3 Council, which I doubt very seriously it will, then we've just harmed the river. I mean  
4 that's how I look at it.

5 MR. JACKSON: Just to add to Mrs. Wyatt, I beg to differ. I've been consistent  
6 even with the rural character and the capacity of the roads. And remember in  
7 November – I think it was November – I tried to have a dialog. I tried for a moratorium  
8 to discuss the roads, the capacity, how to pay for it. To have developers, planners,  
9 everyone come together to decide how we can have funding to improve these roads.  
10 No one wanted to support it. No one wanted to discuss it. But when we're having  
11 problems, now I'm accused of supporting it in other areas. I've been consistent. And I  
12 just cannot support it unless we have some dialog, some discussion, on how we'll pay  
13 for these roads in the future; as simple as that. If we have that we'll have less problems  
14 today. Amount of people here talking today wouldn't have to be here. We'd have a  
15 plan. We'll know where the money is coming from; how we'll pay for it; things will be  
16 easier.

17 MS. LUCIUS: I agree with Ms. Wyatt about Turkey Farm Road. It hurt me when I  
18 saw what was happening to Turkey Farm Road, what's about to happen to it. But at the  
19 same time I guess I have concede that that area and this area are a little different. To  
20 me, that's in an area where it's becoming highly industrialized. It's right – I know, and I  
21 voted against Turkey Farm Road. But I look at this farm to market road a little –

22 MS. WYATT: Ms. Lucius, I only used that –

23 MS. LUCIUS: I understand. I understand. I understand.

1 MS. WYATT: - example of the farm to market road that the residents of  
2 Blythewood repeatedly told us the road was falling apart –

3 MS. LUCIUS: I know. And Kennerly –

4 MS. WYATT: - like what we heard today.

5 MS. LUCIUS: Kennerly Road. How many farmers did we hear? They can't even  
6 take their tractors out on Kennerly Road. anymore. What have we done, you know?

7 CHAIRMAN VAN DINE: We have a motion on the floor for denial of the request  
8 and a second. All those in favor of the motion please signify by raising your hand. All  
9 those opposed.

10 *[Approved to Deny: Furgess, Lucius, Jackson, Van Dine, McBride; Opposed: Palmer,*  
11 *Wyatt, Green, Manning]*

12 MR. CRISS: Five/Four.

13 MS. LINDER: And, Mr. Chairman, to be clear. The motion did include  
14 recommending denial of the General Development Plan, as well?

15 CHAIRMAN VAN DINE: That's correct. It will go forward to County Council with  
16 a recommendation of denial. The first reading will be on April 26<sup>th</sup> in this Chamber.  
17 Everybody who is planning on leaving, if you could please do so as quickly and as  
18 quietly as possible. We still have a lot of other items that we have to get through.

19 MS. LUCIUS: Could we take a –

20 MR. GOSLINE: How about a five minute break so they can –

21 *[RECESS]*

22 CHAIRMAN VAN DINE: - the meeting so let's try and move along if we can.  
23 Next project we have before us is 05-45 MA, which is the I-77/US 21 PUD. Mr. Gosline.

1 **CASE 05-45 MA:**

2 MR. GOSLINE: Mr. Chairman, this is a request to rezone 155 acres at the  
3 southeast quadrant of I-77 and Wilson Boulevard from RU and PUD-1C to PUD-1R.  
4 This is a mixed use, industrial-commercial, multifamily development. Staff recommends  
5 approval subject to conditions identified throughout the Report on many pages,  
6 particularly 144 and 145.

7 MS. ALMEIDA: Mr. Chairman, I'd like to have you look on page 144. Staff would  
8 like to modify condition and clarify what is known as Condition K. We would like to  
9 delete that from the PUD condition. And we would like to have the applicant note that,  
10 as part of subsequent subdivisions, that will be part of this approval process in the  
11 future, that the applicant should look at possibly dedicating some widening - dedicating  
12 some roadway for widening along Wilson Boulevard. But that Condition K should be  
13 stricken.

14 CHAIRMAN VAN DINE: Alright. Mr. Simmons. I understand that you would like  
15 to take Theus' time a little bit so that he doesn't have to hack on the rest of us.

16 **TESTIMONY OF KEN SIMMONS:**

17 MR. SIMMONS: That is correct. I appreciate your –

18 [Laughter]

19 MR. SIMMONS: - Mr. Theus back there. First of all I would like to say to us this  
20 is really a common sense planning exercise, here. If you will, look at the existing zoning  
21 – I have a copy – back in June of '04 y'all approved a 64 acre PUD-1C on the lower  
22 portion of this tract, which left a substantial piece of property between US 21 and I-77  
23 zoned RU. That commercial PUD zoning backs up to existing single-family residential.

1 What we are requesting here is we flip-flop. Move the commercial-industrial to the  
2 intersection of US 21 and I-77, which is at the intersection of two major roads, a  
3 common sense place for your commercial-industrial. And then we transition from that to  
4 multi-family housing to single-family houses, so the single-family housing is adjacent to  
5 the existing single-family housing. Plus it's just a logical planning exercise. And we  
6 certainly hope that you concur with us. But that's the gist of the request that we're here  
7 and the reason and the justification for the zoning. There are a few other comments I  
8 would like to say. We have talked to several of the neighbors. We do know there's  
9 some concern about the storm water. I would like to point out that this zoning request is  
10 requesting five plus acres less commercial-industrial than is currently under the existing  
11 PUD, which means that there will be less – what I'm going to call very high intense  
12 developed area – which means there will be less difference between the pre and post  
13 development [inaudible]. Of course, always, storm drainage is controlled by your  
14 federal, state and local laws. And that's very documented of how that must be  
15 accomplished. So all of those laws would have to be complied with no matter what.  
16 The next thing I would like to say is we would like to discuss some of the conditions in  
17 the project. Under Item B under your conditions, we feel that the listing under Item B is  
18 too restrictive for this property. As I stated in the PUD, this client has owned a portion of  
19 this tract for 18 years. They've been marketing it for that time. And there has been no  
20 major client jump out there and say that we want to do this major thing. So we certainly  
21 would be willing to discuss somewhere between the list of B and our list if y'all had  
22 some concerns about some of the items listed in Appendix D of our PUD. But we feel  
23 that these five items are just too restrictive for our desired uses. Also, under G-4, which

1 says that we come back to the Planning Commission for any change in traffic flow, we  
2 really would like a clarification of what that means. I'm not quite sure what that  
3 condition means. In Item N – and if I'm going too fast, you would like to take a little bit  
4 more time I'd be glad to. And in Item N we talked about aligning an entrance in the  
5 development with the Hawkins Branch PUD. We'd be delighted to try to coordinate that  
6 and to make every effort to, but we don't know exactly where that entrance is to say that  
7 we just have to line up with it. We don't know how it's going to work, but we will make  
8 every effort possible to work with that developer to try to work with that. Item O, which  
9 prevents parking on the streets; we feel that it's totally appropriate in the commercial  
10 areas. But we feel that a person ought to be allowed, when visiting a single-family  
11 resident, to be able to park in front of that house on a street. So what we're asking is  
12 that we totally would comply with no parking on the streets in all the commercial areas,  
13 or the commercial areas only. And, also, just a minor thing, but I know this world is  
14 based on minor. If you look on the aerial photograph, the [inaudible] of the property is  
15 not exactly correct. I think Ms. Anna [inaudible].

16 MS. ALMEIDA: We are aware that the property lines do not align. Our GIS  
17 Department is working on that.

18 MR. SIMMONS: But we just wanted to make that clear so somewhere down the  
19 road. I don't think Staff and we have any problem. We just want to clarify the property  
20 line and we want to understand that property, that area between Wilson Boulevard and  
21 this property, is included in the PUD. With that, we'd be delighted to answer any  
22 questions y'all may have.

23 CHAIRMAN VAN DINE: Mr. Theus, did you want to add anything? Mr. Taylor?

1 MR. TAYLOR: I don't need to add anything unless you have any questions.

2 CHAIRMAN VAN DINE: Thank you. Paul Besty. Did I get that right? I'm not  
3 even close, right? [Laughter]

4 **TESTIMONY OF PAUL BEATTY:**

5 MR. BEATTY: It's my writing, though. My name is Paul Beatty.

6 CHAIRMAN VAN DINE: Oh, sorry!

7 MR. BEATTY: And I live at 10013 Wilson Boulevard, Blythewood, which is  
8 located diagonally across the road from the southern corner of this property as shown  
9 on page 151 in your books. My property backs up to Stonington. Going through my  
10 property, essentially through the center of it, is a ditch that's being presently fed, very  
11 nicely, from the west side as well as the east side and the north and the south. This  
12 property, particularly the section there of 62.2 acres, is located diagonally across from  
13 my property and I want to express a concern about additional water going in there. At  
14 that corner that I just mentioned, the elevation's approximately 400'. It drops 100',  
15 approximately, from that location on Highway 21 at that lower left corner, to the rear of  
16 my property. And I understand there's been some problems, reference the water  
17 situation with Stonington. The second thing I want to bring up for further discussion and  
18 handling would be that when this property was earliest submitted, the upper portion  
19 that's presently got 62.2 acres was set up for more of a commercial setting. That's the  
20 word that was spread in the community. Now it's set up for 342 units, I believe, that  
21 upper 62.4 (sic) acres, which would give you 5.5 units per acre. I want to say that I feel  
22 like that's extremely heavy in the density category. And, adjoining that is the multi-  
23 family residential area. I don't feel that the people that live in that general area have

1 any idea of what's going on. And I think that, possibly, what's done in some cases, that  
2 the developer invites people in the community to come in. I just submit those things for  
3 your consideration. Does anybody have any questions?

4 CHAIRMAN VAN DINE: Thank you. Leon Babridge. Janette (sic) Robinson  
5 would be next.

6 **TESTIMONY OF LEON BABRIDGE:**

7 MR. BABRIDGE: Thank you. I'm Leon Babridge. My address is 1101 Marthann  
8 Road. If you would look at the drawing on the map on 151, you go down Marthann  
9 Road, the first little slot is my house. We've been there, my wife and I, since 1960. We  
10 built out there and have been there ever since, where we've raised our family. Our  
11 concern, basically, number one, is the density that is cited in this proposal, 342 single-  
12 family units in 62 acres. Talking about a small road with a tree in front of it, that's about  
13 what will happen. We're concerned with that number of houses in such a small area.  
14 What will be the quality of the construction as well as who will be occupying it? We're  
15 very concerned with the fact that you're putting 558 units on 37 acres. My background  
16 has been engineering with HUD. And this, to me, would be a no-no if we were looking  
17 at it from a HUD perspective. Secondly, we were here before when it was approved for  
18 the commercial area. And we were concerned about an entrance from the Marthann  
19 Road side. Marthann Road is a family of farm to market road. Now we have an  
20 extraordinarily large amount of traffic coming from 21, Wilson Boulevard, going over to  
21 555 and going up to Bose and those other industries up there. We have several bus  
22 stops on that road. And it's a bad curve just before where they're talking about putting  
23 the driveway. Thirdly and finally, we on Marthann Road have been trying to get water

1 for some 35 years. Nothing in this proposal shows where the water or sewer is coming  
2 from. And we're very concerned because the quality of the water out in that area is  
3 very, very bad. We ask that you consider denying the change of this proposal. Thank  
4 you.

5 CHAIRMAN VAN DINE: Thank you. Janette (sic) Robinson. Glenn Hollis to  
6 follow.

7 **TESTIMONY OF JANET ROBINSON:**

8 MS. ROBINSON: My name is Janet Robinson. I live at 1170 Hollis Pond Road.  
9 And first I want to show you – and I'll pass these around – this is the only access to my  
10 home. We live downstream from Hawkins Branch. And then this is how well detention  
11 ponds work and how Richland County has not, and not been willing, to help us resolve  
12 our issues from Stonington. So I'd like to pass this around. These pictures show 1/2 “  
13 of rain and what it does to our property, an inch of rain, and two inches of rain, and how  
14 much of property is being taken over because we're getting too much water too fast. I  
15 am not pro-growth, either, but I am extremely concerned about the water quality issue.  
16 We live downstream. My dad drew this and this shows what's going on in our  
17 community. And I can't – okay. So this is the project right now. That's 422' elevation.  
18 We're at 300' and it's all downstream. Right now, there is – God's plan is in place to  
19 slow the water down. If this much land is allowed to be cleared and this density goes in,  
20 I fear for my safety because that middle dam is an earthen dam with a small pipe,  
21 cannot handle the water we're getting now from Stonington. And they're not even a  
22 third of the way built out. I'm really, really concerned for the safety of my family and  
23 what's going to happen to my ponds. And when our earthen dams break, how am I

1 going to get to my home? That's the only way I have. The county gave me permission  
2 to build there in 1995. And we built there because we were told there were strict  
3 restrictions on being in a floodplain, which we have abided by. And we're not seeing  
4 that consistency throughout the county. Also, it says 10% of the land would be put into  
5 – a minimum of 10% - would be put into open space. Well, it's not showing it in this  
6 plan here. Also, my concern is back here in the exhibits, under 8, it says, "Common  
7 area." The development may not contain common area. And the fact that there are  
8 provisions in this declaration referencing common area does not mean that there is or  
9 will be common area development. That concerns me. What does that mean? And  
10 then there was also another piece in here on Master Plan pretty much stating that just  
11 because there's a Master Plan doesn't say they're being held to it. So I'm not real sure  
12 what that means. But I just beg you – I asked you in 1995 for help on this. And I am  
13 begging for some help right now because we're one family. We're an army of two and  
14 that's it.

15 CHAIRMAN VAN DINE: Thank you. Glen Hollis.

16 **TESTIMONY OF GLEN HOLLIS:**

17 MR. HOLLIS: My name is Glen Hollis. I reside 161 [inaudible] Road. The family  
18 owns 20 acres down the creek, Hawkins Branch. [Inaudible] this is where we reside.  
19 It's 20 acres surrounding these two ponds, a brother, myself, my daughter owns the 20  
20 acres. We didn't just get these elevations out of the air. They come from this topo map.  
21 There on Turkey Farm Road, it's 422'. This paper looks like it's flat. It's everything but  
22 flat. When you get down to my pond it's 300'. That 122' drop. Everything runs  
23 downhill. All the little tributaries up and down Hawkins Branch; these gentlemen didn't

1 tell you where Hawkins Branch started. Right in the middle of his development. Right  
2 in here between 77 and 21. No provisions what he's going to do with that water when it  
3 runs off. Every time you cut a tree, make a road, put in sewer, water, underground  
4 electricity, cause more erosion. And it runs, all runs downhill and winds up in Hollis  
5 Pond Road, pond, right there. We use – we built these ponds in 1947, the first one.  
6 Ten years later Daddy said that he wanted another pond. Built another one for  
7 recreation. And we mostly catch fish out of it and we use it for irrigation. I have, up on  
8 the hill here, I have an acre of blueberries and a vineyard. I use water out of those  
9 ponds to irrigate. With the pollution this will cause down the hill, I won't be able to catch  
10 a fish out of here five years from now. It's almost that bad now. But Stonington has just  
11 about ruined us. Five years ago y'all planners gave Mr. - Stonington permission to put  
12 in 202 houses in there with a retention pond which has never worked. We've tried to  
13 get help from the county, Corps of Engineers, DHEC. Everybody just passes the buck.  
14 Right now you can go down to our pond, we had an inch of rain the other day, it's red.  
15 Every time it rains it's red. I thank you for consideration. And don't let us drown down  
16 here. Thank you.

17 CHAIRMAN VAN DINE: Thank you. Those are the only individuals who have  
18 signed up. Questions or comments from the Commission.

19 MR. MANNING: I have one for Mr. Simmons. Does all this property drain that  
20 way or does it -

21 MR. GOSLINE: Yes.

22 MR. SIMMONS: Here it – the majority of it drains into Hawkins Branch, the two  
23 tributaries of it. There is a small amount down in the Marthann area that appears to go

1 catty-cornered across and down in this area here. [Inaudible]. If you look at – there is a  
2 topo map in here.

3 MR. MANNING: Okay.

4 MR. SIMMONS: On page 4. We have the watersheds documented. See the  
5 design? Page number 4 is up in the upper corner, but it is, obviously [inaudible]. Again,  
6 I just need to emphasis that we're not – this property is not presently zoned rural. It  
7 presently has a PUD-C1 on it. So if this PUD request is denied, you still can go out  
8 there and put 60 something acres of PUD commercial on this tract. And then what you  
9 do is you leave a tract of RU between this and the intersection of I-77 and I-20, which, if  
10 you look at patterning, obviously that's more commercial or at least higher density than  
11 single-family residential. It just doesn't make sense to have 60 something acres of  
12 commercial and then have a tract of land between that and a major intersection.  
13 [Inaudible] it would stay rural, this area. And, of course, in logical planning, your higher  
14 densities of residential should be next to your commercial areas so that we have, that  
15 works as a transition between that and single-family. And, also, we have higher density  
16 where people don't have to get out on the highways to get to their services that they  
17 need.

18 MR. MANNING: There was one question about water and sewer, about being in  
19 the proximity of the property. Where is it exactly?

20 MR. SIMMONS: It is across Wilson Boulevard down the next creek over. You  
21 know where the industrial project is?

22 MR. MANNING: Okay.

23 MR. SIMMONS: It's along that creek.

1 MR. MANNING: So infrastructure [inaudible].

2 MR. SIMMONS: The infrastructure - obviously there's going to be a school right  
3 there so obviously the infrastructure's coming. This project would certainly help the  
4 people on Marthann Road have access to water and sewer because this project backs  
5 up to those residential areas. So I think that would help their chances of getting water  
6 and sewer by many, many [inaudible].

7 CHAIRMAN VAN DINE: You're dumping the water off your property into Hawkins  
8 Creek, correct? At least in part.

9 MR. SIMMONS: That is correct. And, of course, it would - you know, we don't  
10 have a choice. We have to comply with federal, state, local rules and regulations. I  
11 mean that's well documented. You cannot take water out of one watershed and put in  
12 another watershed. That's federal guidelines.

13 CHAIRMAN VAN DINE: Yeah. My question was, because we have another  
14 coming up later which is a PUD across the street which is -

15 MR. SIMMONS: Right.

16 CHAIRMAN VAN DINE: - the Hawkins Creek. Have you had any discussions  
17 with those people about how their development and your development are going to  
18 handle the additional waters that are going to be, and the speed of the waters, and the  
19 sediments from the waters, and anything else like that?

20 **TESTIMONY OF BILL THEUS:**

21 MR. THEUS: If I could. Pardon my voice. This is Bill Theus. I'm one of the  
22 developers. T-H-E-U-S. We have not discussed with the guys across the street the  
23 drainage issue. We've talked about sewer. But drainage, by law, we cannot increase

1 the flow of this property. I don't know what you know and you don't know. We have to  
2 – when we leave this property, we have to have a hydrology study done. There's no  
3 more water coming off of this. Water is not coming off of this property at a faster pace  
4 than it is in its current state. They're going to have to do the same thing, so.

5 CHAIRMAN VAN DINE: Well, what about sedimentation or other issues?

6 MR. THEUS: Well, I mean, you got all your check dams and DHEC is all over  
7 you on those things.

8 MR. SIMMONS: [Inaudible]. Now if someone is not – if these gentlemen say that  
9 someone is not – the retention basin is not working, then I know for a fact that they are  
10 inspected with DHEC. If they call the right people they will come out there and  
11 determine if there's problems.

12 CHAIRMAN VAN DINE: Okay.

13 MR. SIMMONS: But there Richland County Engineer, DHEC. There are some  
14 very clearly stated water quality which includes sediment erosion, [inaudible], every  
15 other aspect of surface water that must be complied with. And that's part of your next  
16 step, which is your subdivision plan. That's where those calculations [inaudible].

17 CHAIRMAN VAN DINE: Your Appendix B, what – the uses that are in Appendix  
18 B, what do those equate to as far as we would look at our - is that C-1, C-2, C-3? I  
19 mean or is it a jumble of everything?

20 MR. SIMMONS: It is definitely not an assembly of everything.

21 CHAIRMAN VAN DINE: I'm sorry. I'm on B-1 of their –

22 MR. SIMMONS: What we did is we looked at a major intersection and looked at  
23 what we thought may possibly be. And we have been to Charlotte. We have been to

1 Rock Hill. We have been to many towns and looked at major, interstate intersections.  
2 Looked at Forest Drive in Columbia. We looked at many different options and tried to  
3 come up with a list of family-oriented businesses that would be appropriate in a situation  
4 like this. Like I say, if y'all have some concerns about some of these we would be  
5 delighted to talk to you about them. But we do think that just the five that are listed – as  
6 a matter fact, in the descriptive portion of your PUD there's six items listed. But in the  
7 conditions there's only five items listed. Or four and five, I forgot which it is. But  
8 anyway, we would like to discuss if you have some problems with some of these 20-39  
9 we'd be delighted to talk to you right now and decide what we could agree to.

10 CHAIRMAN VAN DINE: What did we do - I know that we had similar issue when  
11 we were talking about across the road with the Turkey Creek.

12 MS. WYATT: Turkey Farm.

13 CHAIRMAN VAN DINE: Turkey Farm property.

14 MR. GOSLINE: Right.

15 CHAIRMAN VAN DINE: How was that addressed?

16 MR. GOSLINE: Well, we – the Department has always argued in PUDs with,  
17 mixed use PUDs, that – well, any PUD, it's different from everything else. You have a  
18 great deal of design flexibility in terms of arrangements and setbacks and things like  
19 that. But in exchange for that, you have to fairly specific about what you want to do.  
20 And we've consistently argued that the permitted uses need to be limited. And what  
21 most applicants – most of the PUDs that we have seen – do is just go regurgitate the  
22 existing C-3 and M-1 list, take out some things. The Department's feeling is that we  
23 have – Item B on page 14 4 of the Staff Report talks about 52 acres sitting on a highway

1 interchange. And you're talking about professional offices of all kinds, eating and  
2 drinking establishments, hotels, motels, commercial indoor recreation, entertainment  
3 establishment, medical, dental, health related facility. So that's a very wide variety of  
4 land uses. We believe that the permitted uses should not be unlimited and that they  
5 should be directed toward whatever market it is the PUD is trying to do. As we've said  
6 in this Staff Report, the project is basically a very good project. It's a key project for the  
7 I-77 corridor development. It can be a wonderful thing. And, in particular if the  
8 commercial part is marketed as a shopping center, regional office or shopping center,  
9 kind of thing. So that's the reason why we - we try ought always to suggest limited  
10 uses. And we feel this is plenty of opportunity for development on 55 acres.

11 CHAIRMAN VAN DINE: How was the other PUD approved?

12 MR. GOSLINE: The one across the street we had - of course, the residential  
13 component. We had the high school. We had 28 or 29 acres of office and six acres of  
14 retail commercial. And we had this same discussion then. And I think we - the other  
15 thing we always try to do is to have some limitations on square footage or something.  
16 The reality is that virtually most any commercial development is rarely going to get over  
17 FAR, floor area ratio, of 0.25. I mean even that's high. Unless you're going - you  
18 know, well, we've had nothing that even gets close to the in the county, anyway.

19 CHAIRMAN VAN DINE: As far as uses that were ultimately approved, do you  
20 remember whether or not the list was as you have in your conditions here or were they  
21 more expansive? Do you remember that?

22 MR. GOSLINE: No. I don't remember. I remember we had a long discussion  
23 about it. And the applicant didn't want to be limited. But the way they had proposed it

1 was the office/light industrial development along the west side of Community Drive and  
2 the retail on the island between Community Drive and Wilson Boulevard. And I think we  
3 made the recommendation that the uses could be the same as are in the existing North  
4 Point Park. And beyond that I think that's how it ended up, pretty much how it ended  
5 up. The other issue there for the retail was the access had to be off of Community Drive  
6 It couldn't go directly to Wilson Boulevard.

7 MR. THEUS: Mr. Chairman, Bill Theus. If I could say one more thing. We're at  
8 the intersection of two federal highways, US Highway 21 and I-77. We feel like if any  
9 piece of property deserves flexibility to meet future demand, this piece does. In the  
10 narrative we read about Planning Staff's desire, perhaps, to have an office park out  
11 there. But you go look at Fontaine Road and 277, there's an office park that's been  
12 sitting there largely empty for years, a nice office park. You go to Parklane Road and  
13 277 where the RBMG Building is built. Koger did that park. They built one building. It  
14 was foreclosed on, sold, and the rest of the land's been sold off for other uses. Guys  
15 we know just moved into the corner of Koger Park out in St. Andrews and Bush River  
16 Road. The building they're in has been half occupied for some time. We don't know  
17 what the future holds in terms of demand for this piece of property. But it's on two major  
18 highways. It's 50 acres. We think it deserves the flexibility to meet that demand as long  
19 as we take the uses out that are nuisance uses or noxious uses. Thank you.

20 CHAIRMAN VAN DINE: Any other questions for -

21 MR. MANNING: Yeah. I have one for Carl. The uses under C-3 are how many  
22 under the PUD?

23 MR. GOSLINE: Probably 30 or 40.

1 CHAIRMAN VAN DINE: Yeah.

2 MR. MANNING: Well, they've got 39. You've got five. Are there – what does C-  
3 3 allow?

4 MR. GOSLINE: But let me just point out that these five are broad categories:  
5 Eating and drinking establishments, hotels, motels, commercial, indoor, and  
6 entertainment. We don't go by the zoning categories, the strict zoning categories. We  
7 try to lump land uses because we're not zoning this C-3 and M-1. We're zoning it PUD  
8 and it's different.

9 MR. MANNING: But it's under – those classifications are being pulled out of there  
10 though.

11 MR. GOSLINE: That's exactly the point we're trying to make, Mr. Manning, is  
12 when you're - in PUDs it's let make a deal or it's a contractual, customized, land use  
13 approval. You do not go by the conventional zoning. So we – I mean you could might  
14 argue about some expansion of this. But that's the issue of it.

15 MR. MANNING: The five uses may encumber some of the 39. I understand.

16 MR. GOSLINE: Correct.

17 MR. MANNING: Do you see any in the 39 that would be totally inappropriate?

18 MR. GOSLINE: When we look at the PUDs, I don't sit there and look at the C-3  
19 and the M-1 because it's not appropriate in our mind. Again our argument - and y'all  
20 certainly could disagree – our argument is tell us what you want to do here. Give us  
21 some parameters and some limitations about what it is you think this property's going to  
22 develop as and take your best shot.

23 MR. MANNING: Well, that's actually why I'm asking the question.

1 MR. GOSLINE: Right.

2 MR. MANNING: I mean they've got 39 uses. You've got five and you're saying  
3 your 5 includes a lot of theirs. And I'm trying to figure out which ones don't work.

4 MR. GOSLINE: Well, in this particular – we try to pick the ones most appropriate  
5 for an interstate interchange. I mean all of these are certainly appropriate for interstate  
6 interchanges. The fact that Fontaine Road and some other ones haven't done too well  
7 is not, you know. It's –

8 CHAIRMAN VAN DINE: Mr. Green.

9 MR. GREEN: Carl, would you explain just a couple of issues that were raised?

10 MR. GOSLINE: Uh-huh (affirmative).

11 MR. GREEN: In the PUD conditions under G-4 – “any change in traffic flow” – I  
12 would assume that you're referencing any major change in traffic flow?

13 MR. GOSLINE: Item G, Mr. Green, and I think Mr. Theus also asked this  
14 question, is this is strictly out of the current zoning ordinance. And this is what  
15 constitutes a major change under the current ordinance. It probably should say “off-  
16 site” or some- that's - but these –

17 MR. GREEN: What would your suggestion be? If there was a desire for more  
18 clarity as to -

19 MR. GOSLINE: Well, I don't have the current code. Does it say specifically that?

20 MR. GREEN: While they're looking that up, under the comment with regard to  
21 roadside parking, would y'all find it objectionable if that was only limited to the  
22 commercial areas?

1 MR. GOSLINE: No, because you can't park in the right-of-way of subdivisions  
2 now. You cannot park your car – now everybody does it, okay – but it is not legal to  
3 park your car in the right-of-way of any subdivision in Richland County.

4 MR. PALMER: That's right. We've even got it in our deeds for our subdivisions.  
5 And it doesn't stop people from doing it. But if you want to - if neighbor was to call  
6 about you doing it, then that gives them a way to make the call.

7 MR. GREEN: Learn something every day, don't you?

8 MR. MANNING: Is this a condition that's put in every subdivision review about  
9 cars being parked in the right-of-way?

10 MR. GOSLINE: It's in the street design standards portion of the code.

11 MR. MANNING: It is an approval process that is listed as a condition for approval  
12 and what comes before.

13 MR. GOSLINE: No, because the Public Works Department, when they review the  
14 plans, if you show parking in there they'll say, "no."

15 MR. SIMMONS: I didn't realize that. If that is the case in every other one  
16 [inaudible], how many of us have not parked in front of our neighbor's yard. I can  
17 understand if it's behind the curb in their yard. What we were referring to is [inaudible].  
18 So if that's a condition we certainly will yield to that.

19 CHAIRMAN VAN DINE: I have a question about number 28 which relates to the  
20 use of single, two-family, or multi-family dwellings in commercial or industrial. I thought  
21 that's why you had a residential portion of this PUD and a multi-family portion of this  
22 PUD.

1 MR. SIMMONS: No, that would be where you may have live and work town  
2 center. And Lake Carolina is an example. Daniel Island. An old example is downtown  
3 Charleston where you encourage people to live over their shops.

4 MS. LUCIUS: Yeah.

5 MR. SIMMONS: That is a very popular trend, now. And again we're hoping to  
6 create a real interesting [inaudible].

7 CHAIRMAN VAN DINE: I understand that. The way it's written is that it can be a  
8 single-family residential subdivision in there in the commercial area. You don't even  
9 have to do commercial. And that's the way it's written – as this right now.

10 MR. SIMMONS: Well, I would be delighted to entertain –

11 CHAIRMAN VAN DINE: I mean if it's accessory or over top of retail or something  
12 like that, that might be different.

13 MR. SIMMONS: That was the intent.

14 CHAIRMAN VAN DINE: Okay.

15 MR. GREEN: To try and maybe move this along with this long list of uses, I'm  
16 going to at least put a motion on the floor that we can discuss a specific. My motion  
17 would be to send this forward with a recommendation of approval subject to conditions  
18 on 144 and 145, with the exception of the following – let me come back to the uses, if I  
19 could, that K be stricken, –

20 MS. WYATT: K?

21 MR. GREEN: K.

22 CHAIRMAN VAN DINE: It's already stricken.

1 MR. GREEN: - that in N the words “make every effort to align with Hawkins  
2 Branch PUD entrance” since that’s not established yet, and that Appendix D of the  
3 applicant’s submittal be permitted with the following exceptions – and this is in Appendix  
4 D of their PUD submittal, take out –

5 MR. SIMMONS: You mean D like “dog”?

6 MR. GREEN: D like “dog”. To take out use 13, radio stations and television  
7 stations; take out 14, passenger terminals; to specify that 28, which is residential, be  
8 live-work units –

9 CHAIRMAN VAN DINE: Or “over retail”.

10 MR. GREEN: Or “over retail”; that 32, which is communications towers; 36, truck  
11 terminals; and 38, outdoor storage lots, also be eliminated from their list but all the other  
12 items in their list be included as permitted uses.

13 MR. SIMMONS: [Inaudible] agree to that if we have a say in it.

14 MR. PALMER: Second. Along with the plan –

15 MR. SIMMONS: General Development.

16 MR. PALMER: General Development Plan?

17 MR. GREEN: Along with General Development Plan approval.

18 MS. WYATT: Mr. Green, in that motion you are – because it seemed to have  
19 been something that the developer didn’t agree with. But, based on what I understood  
20 your motion to be, you would be limiting that to 558 multi-family, 342 single in 55.2  
21 acres?

22 MR. GREEN: That is consistent - let me look at one other thing.

23 MR. GOSLINE: That’s what the applicant requested.

1 MS. WYATT: Under Conditions.

2 MR. GREEN: That is consistent with their site plan, correct?

3 MR. SIMMONS: It is.

4 MR. GOSLINE: Yes.

5 CHAIRMAN VAN DINE: The only question I've got is number 34, outdoor  
6 displays of merchandise any required yards. Not really sure what that – I mean that –

7 MR. GREEN: If you had a Lowe's and you had your garden center outside, would  
8 that cover the Lowe's or is that intended for some other type use?

9 [Inaudible discussion]

10 MR. PALMER: Or Ace Hardware.

11 CHAIRMAN VAN DINE: I guess I just don't know what it's trying to say.

12 MR. SIMMONS: We attempt, we were trying to do by list these items so  
13 sometime down the road – and I understand – I've had discussion with Mr. Gosline –  
14 where you and we don't have to come back and discuss what is interstate commercial –  
15 interstate residential. So that's why we took this approach. That's fine. Take that one  
16 out, too.

17 CHAIRMAN VAN DINE: I would like to have 34 eliminated.

18 MR. GREEN: I will amend my motion to include 34 if my seconder will accept it.

19 MR. PALMER: I'll accept it.

20 CHAIRMAN VAN DINE: So as I understand it, it was 13, 14 –

21 MR. SIMMONS: A Lowe's is allowed. It's just that –

22 MR. GREEN: Right. Right. Correct.

1 CHAIRMAN VAN DINE: - 13, 14, and a portion of 28 for clarifying, and then 32,  
2 34, 36 and 38. Was that what you were -

3 MR. GREEN: Correct.

4 MR. SIMMONS: And we clarified G-4.

5 CHAIRMAN VAN DINE: G-4 [inaudible] directly from the code as it exists now.

6 MR. SIMMONS: But can you just explain does that mean accesses into the site  
7 or if you change a road within the - if we can just get clarification. I'm not trying – I know  
8 it's a long night. I think we'd like to clarify it now. There won't be miscommunication  
9 later.

10 MR. GOSLINE: [Inaudible]-70.17: "Major changes in all or a portion of exterior  
11 boundaries of the PUD approved General Development Plan, including changes in  
12 location of land uses, increase in density, and/or change in traffic flow shall follow the  
13 same procedures as required for approval of PUD zoning ...", blah, blah, blah, blah,  
14 blah, blah, blah.

15 MR. PALMER: I think he understands what it says. Well, he knows what it says.  
16 He just wants to understand what it says.

17 [Inaudible discussions]

18 MR. GOSLINE: We can't -

19 MR. CRISS: It's ingress, egress, and the circulation pattern.

20 MR. GOSLINE: We can't change it. It's what the code says.

21 CHAIRMAN VAN DINE: I think the code says what it says. And we can argue  
22 about what it says. And I don't think we'll ever clarify, as we sit here today, specifically

1 what it says. We just have to accept the language and move forward with the language  
2 as it is.

3 MR. SIMMONS: Thank you, Mr. Chairman. I didn't realize that was [inaudible].

4 MS. WYATT: I think that's always been one of those areas in a PUD that,  
5 basically, was designed to protect the public. You can't shift your project around and  
6 change traffic flow from one road to another road [inaudible]. I mean that's how I've  
7 always read and interpreted that.

8 MR. SIMMONS: Thank you.

9 MS. LUCIUS: Since we're on that subject, Mr. Gosline, we're really not tied to  
10 these ingress and egress points on this map right now, are we?

11 MR. GOSLINE: Yes.

12 MS. LUCIUS: Well, then on page 151, we eliminated that access to Marthann  
13 Road.

14 MS. LINDER: There has been an amended site plan.

15 MR. SIMMONS: That was when it was a commercial [inaudible].

16 MS. LINDER: It's a separate handout and it's in the applicant's General  
17 Development Plan.

18 CHAIRMAN VAN DINE: But it does have an access point on to Marthann Road.

19 MS. LUCIUS: Well we – I know when we approved that 62 acres we did  
20 physically eliminate that access.

21 MR. GOSLINE: Yes, ma'am. The previous PUD had that approval in it. And  
22 what we are saying is that - you could make a case for, I guess a case for, the Marthann  
23 Road connection. But it makes no sense to tie in to Dunwoody Place. And we also

1 don't believe that we need the second little loop road up there in the residential area.  
2 We had this discussion when the other PUD came up. And the issue here is that  
3 Dunwoody Place is a driveway. It's a dirt road, 20' wide driveway for three residences.  
4 It doesn't need to align up with anything.

5 MR. SIMMONS: Here's the concern. The concern, whether it's at Dunwoody or  
6 whether it's at Keithwood, the subdivision requires two entrances. There's a separate  
7 little subdivision down Marthann Road. We may need two entrances down in that  
8 portion for traffic [inaudible] qualify with your code. So we need one in the lower corner  
9 on 21 and we need one other one. And it doesn't make sense to put them both right  
10 there next to each other on 21. That's why we have one on Marthann.

11 MS. LUCIUS: I understand.

12 MR. SIMMONS: And we line it up with Dunwoody Place. But if you want to  
13 change it to Keithwood, you can do that. But you do need one entrance in that lower -

14 MS. LUCIUS: I understand. I was just concerned because when we approved  
15 this in April that was one of our specific recommendations to remove that [inaudible].

16 MR. GOSLINE: To remove it.

17 MR. SIMMONS: That was when it was a commercial site.

18 MS. LUCIUS: Well, I mean it's when we approved the PUD. It was when we  
19 approved the PUD in April.

20 MR. GREEN: My only concern about removing it is as a commercial site you  
21 wouldn't want to see trucks going on and off Marthann. But since it's single family -

22 MR. GOSLINE: Right.

1 MR. GREEN: - the connectivity issue to get people moving a little bit more  
2 efficiently since it will just be residential traffic now, not commercial traffic, it may make  
3 more sense.

4 MS. LUCIUS: I was just wondering why it was there again.

5 MR. GREEN: Safety standpoint.

6 MS. LUCIUS: I was just wondering why it was back when we had eliminated it.

7 MR. JACKSON: [Inaudible] removal of K?

8 CHAIRMAN VAN DINE: K has been removed by the Staff.

9 MR. JACKSON: Removed by Staff. Any particular reason why?

10 MS. ALMEIDA: Well, we would like the applicant to know and make it as part of a  
11 note in the statement, as part of the minutes, that in the subsequent subdivision plat that  
12 the applicant should think about possibly dedicating to widen Wilson Boulevard.

13 MR. JACKSON: Yeah. I mean that's one of my concerns. I would not like to see  
14 a project developed and after they increase the capacity of traffic, and we have to widen  
15 the road. Then we have to turn around and by a right-of-way from the developer when  
16 their development has caused the impact on the road. And that's one of my main  
17 concerns. And in the past I've spoken about that. I don't think it's fair for the taxpayers  
18 or anyone to really turn around and purchase right-of-way from that development that  
19 has caused the impact on the traffic in the first place. We did that on Garners Ferry  
20 Road and, I think, it's Pineview, where an insurance company was doing a development  
21 and we required them that they had to give us the right-of-way. We should not have to  
22 turn around and purchase the right-of-way from the development.

1 MR. CRISS: We believe that the Planning Commission can make that a condition  
2 of the subsequent plat approval but not a condition of this rezoning, *per se*.

3 CHAIRMAN VAN DINE: Mr. Gosline.

4 MR. GOSLINE: Can we get some clarification on what your intention is about  
5 Item N on the top of page 145? The Staff suggests that this connection to Dunwoody  
6 and this one be eliminated and that, really, this road coming in off Marthann ought to  
7 connect in to the major somewhere. I'm not sure it's real appropriate where.

8 MR. SIMMONS: It probably will. That's why we were asking [inaudible].

9 MR. GOSLINE: But this is another point I wanted to make. You can't get  
10 anymore access points than what you've got here.

11 MR. SIMMONS: On public road.

12 MR. GOSLINE: Correct.

13 MR. SIMMONS: We understand that.

14 MR. GOSLINE: Okay.

15 MR. SIMMONS: But wherever that loop road in the bottom ties in it would only be  
16 logical planning to tie it into the remainder of the project.

17 *[Ms. Wyatt out at 6:05 p.m.]*

18 MR. GOSLINE: The department's recommendation, folks, is to take this  
19 connection out and take this road out and then this road can come up into here  
20 somehow. It doesn't really matter how, in the middle of residential area. So that you  
21 would have an access point on Marthann Road and one here. So you'd have two  
22 access points for the single-family residential. You would have – and then two more for  
23 the multi-family and commercial. And I think in the Staff Report we talked about, you

1 know, the trips versus each one. And that's why, you know, you don't need more than  
2 two for the residential. But we'd like some clarification on your intentions about that,  
3 please.

4 MR. SIMMONS: Clarification from us?

5 MR. GOSLINE: No, Planning Commission.

6 MR. GREEN: I mean if y'all make a recommendation in terms of how –

7 MR. SIMMONS: We'll eliminate the one at Dunwoody and the one here and  
8 connect two together.

9 MR. GREEN: Okay.

10 MR. SIMMONS: Revise that and make it a portion of what goes to the Planning  
11 Commission. I mean, excuse me, Council.

12 [Inaudible discussion]

13 MR. SIMMONS: They're proposing only one access to the residential on Wilson  
14 Boulevard.

15 MR. GOSLINE: One from Wilson and one from Marthann.

16 MR. SIMMONS: Then you can tie back in to Wilson [inaudible]. But until we get  
17 the wetlands delineated we don't really know whether [inaudible] cross, how and when  
18 we can cross.

19 MR. WALTER TAYLOR: May I make comment about that?

20 CHAIRMAN VAN DINE: Let's try and be quick. It is 6:15 and we still have a  
21 number of people that have been sitting for a long time, folks.

1 **TESTIMONY OF WALTER TAYLOR:**

2 MR. TAYLOR: We know we will need two access points [inaudible] single-family  
3 subdivision given the size of it. I'm a little concerned that [inaudible] from this area may  
4 have an issue with the access on Marthann. And if we only have one access point on  
5 Highway 21 and one on Marthann and Mr. McEachern and the neighborhood,  
6 Marthann, doesn't want, won't agree to one on Marthann; that would leave us with one  
7 access point.

8 MR. GREEN: I think we all want you to have two access points.

9 MR. JACKSON: We need two on Wilson. Move back on Wilson.

10 MR. GREEN: And since we're just –

11 MR. TAYLOR: Can we do this? Can you give us the three access points with the  
12 idea that one will be [inaudible] stipulation that one [inaudible]? That way if we have to  
13 give up the Marthann entrance, we have two access points on 21. If not, we give up the  
14 access point on 21. We have only one on 21 and one on Marthann.

15 MR. GREEN: Staff? We want them to have two entrances.

16 MR. SIMMONS: We don't want to get in a situation where [inaudible] school that  
17 you couldn't get another entrance in.

18 MR. GOSLINE: Well, you have – we're going to – in the Staff Report –

19 MR. GREEN: The question is, Carl, if Council eliminates one of the two  
20 entrances to the single-family residential area –

21 MR. SIMMONS: We'll give up the one on Marthann if we get two on 21.

22 MR. GOSLINE: Well, the – if you look at page 140, second paragraph from the  
23 bottom, it talks about the single-family portion of the project would generate roughly

1 3,200 trips. That's nothing. That's a half of – that's a typical subdivision road. So, you  
2 don't need both entrances but it makes some sense, the flip side of that is it makes  
3 some sense to have the connection to Marthann Road for the residential so to give  
4 them – not to force everybody through the intersection so that they can get some  
5 measure of connectivity to the project.

6 CHAIRMAN VAN DINE: At this stage, I think we just need a motion and let's deal  
7 with it because we're starting to lose -

8 MR. GREEN: I will amend my motion that in the event that the – since I believe  
9 that every single-family subdivision needs two ways in and out – that should the  
10 Marthann Road access point be eliminated that that single-family residential area be  
11 permitted two access points.

12 MR. GOSLINE: I think that's very reasonable.

13 MR. GREEN: Okay, Patrick?

14 MR. PALMER: Yes.

15 CHAIRMAN VAN DINE: Ms. Linder.

16 MS. LINDER: I would like to make it clear for the Record that your recommending  
17 approving the General Development Plan, except you're amending the site plan and  
18 you're amending the uses in the commercial. Is that correct?

19 MR. GREEN: That is correct. That's the intent of my motion.

20 MS. LINDER: Okay.

21 CHAIRMAN VAN DINE: Does anybody need the motion restated for them so that  
22 we can take a vote on it? Do we understand what we're doing?

23 MR. PALMER: I understand.

1 MR. CRISS: Clarification, Mr. Chair. The wetlands delineated – I’m sorry, not  
2 delineated – depicted, approximately about 16 acres, obviously you intend to delineate  
3 them. Is your intent to protect just the wetlands themselves? Is there any buffer around  
4 them?

5 MR. SIMMONS: No. Written in here it does say that the majority of the  
6 designated open space will be around the wetlands. The intent is to use a good bit of  
7 the open space as buffers of the wetland. We commit that only 50% of the wetlands will  
8 go toward the open space so will be more than just the open space – than just the  
9 wetlands and the open space. And, Michael, you know me because I go back – I’m a  
10 very strong advocate of planning and using buffers [inaudible] wetlands. I’m on the  
11 Richland County Conservation Commission [inaudible].

12 CHAIRMAN VAN DINE: Alright. Our motion before us is to send this forward  
13 with recommendation of approval of both the General Development Plan and the PUD  
14 application with amendments to B, under the conditions on 144, to insert, as opposed to  
15 the five listed, the list from their PUD application with the following items eliminated: 13,  
16 14, 32, 34, 36, 38, and that Item 28 be limited to residential above –

17 MR. CRISS: Live, work and retail.

18 CHAIRMAN VAN DINE: - retail or a live, work environment. Also that Item K is  
19 eliminated from the conditions, that N has been amended to allow –

20 MR. GREEN: To allow a second – allow two entrances in the single-family area  
21 should access on Marthann Road be eliminated.

1 CHAIRMAN VAN DINE: As stated. And that commercial – the O has not been  
2 changed in light of the fact that the code already forbids parking in residential right-of-  
3 ways, etc. Does everybody understand the motion? Yes, ma'am.

4 MS. LINDER: Mr. Chairman, I would request an Executive Session for the  
5 purpose of dispensing legal advice.

6 CHAIRMAN VAN DINE: Yes, ma'am. We will take a short break.

7 *[EXECUTIVE SESSION]*

8 CHAIRMAN VAN DINE: Ms. Linder, would you please report us out of Executive  
9 Session.

10 MS. LINDER: The Planning Commission went into Executive Session to receive  
11 legal advice. No action was taken.

12 CHAIRMAN VAN DINE: Thank you, ma'am. Alright, everybody understands the  
13 motion that we had? Does anybody wish to have any further discussion? Hearing  
14 none, all in favor of the motion please signify by raising your hand. All opposed. Motion  
15 carries.

16 *[Approved: Palmer, Furgess, Lucius,, Jackson, Van Dine, Green, Manning; Absent for*  
17 *vote: McBride; Absent: Wyatt]*

18 MR. GOSLINE: Mr. Jackson didn't vote.

19 MS. LUCIUS: Yes, he did. It was [inaudible].

20 CHAIRMAN VAN DINE: He voted in favor.

21 MR. GOSLINE: So it was unanimous?

22 MR. PALMER: Mr. Chair, if you could one second. Carl, if you guys could give  
23 this family up here the name of a contact at DHEC that could handle this –

1 MS. ROBINSON: I've called DHEC. I've called the Army Corps of Engineers.  
2 I've called Richland County Storm Water. We have gotten no help in five years. So  
3 there may be rules in place but they're not helpful.

4 MR. GOSLINE: Trust - they know who Ms. Robinson is.

5 CHAIRMAN VAN DINE: Mr. Fuller might be happy to -

6 MR. GREEN: What's next? 48?

7 CHAIRMAN VAN DINE: Alright, ladies and gentlemen, I'm sorry this is taking so  
8 long and you're all having to sit there. The next we have is 05-48 MA. Before we get  
9 started Mr. Green has asked me to read the following into the record: "I must request to  
10 be excused from participating in discussion or voting on agenda item number 05-48 MA,  
11 regarding rezoning of 52.25 acres, which is scheduled for review and/or discussion at  
12 today's Planning Commission meeting. It is my understanding of the rules of conduct  
13 provisions of the Ethics, Government Accountability and Campaign Reform laws that  
14 since I am employed by the real estate firm handling the sale of this property, I will be  
15 unable to participate in this matter through discussion or voting. I would, therefore,  
16 respectfully request that you indicate for the Record that I did not participate in any  
17 discussion or vote relating to this item representing a potential conflict of interest. I  
18 would further request that you allow and direct this letter to be printed as a part of the  
19 official minutes and excuse me from such votes or deliberations and note such in the  
20 minutes. Thank you for your consideration. Eugene Green." Please let the Record  
21 reflect that Mr. Green has left the room and will not be participating in this matter. Mr.  
22 Gosline.

1 **CASE 05-48 MA:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone 52 acres  
3 from RU to PUD-1R. It's right across the street from the project that we just discussed.  
4 Staff recommends approval subject to the conditions on page 162 and 163.

5 MS. ALMEIDA: Staff would also like to note that Condition K be stricken and that  
6 the applicant will be noticed that in subsequent subdivision plat approval we will be  
7 discussing the possibility of dedication.

8 CHAIRMAN VAN DINE: Mr. Anderson.

9 **TESTIMONY OF RON ANDERSON:**

10 MR. ANDERSON: Thank you. I'm Ron Anderson with Edens & Avant and I will  
11 be brief. In my opinion the material question here is issue of density and where is  
12 density appropriate. And I know it's hard to envision, but before all of us who are in this  
13 room were born, back in the '20s and '30s, Devine Street was open fields. Forest Drive  
14 was open fields. Those areas were not dense. They were undeveloped. They were  
15 rural. If we had had zoning at that time they probably would have had rural zoning on  
16 them. And this area is very similar to that. It's changing. Obviously it's oriented around  
17 a modern transportation system, which is the interstate transportation system. It's also  
18 oriented around the US highway system, which preceded the interstate system. What  
19 you have here is the interchange of Highway 21 and Interstate 77. Immediately to the  
20 south is the property we just discussed, the residential portion of it. You have the  
21 Mungo development along Turkey Farm Road. Behind it is the Shumaker development.  
22 This is Stonington. Down here is Heritage Hills, which is pretty much done at this point.  
23 This is the Cary Lee subdivision and then Summer Pines. So these blue rings depict a

1 half-mile radius of the interchange and the one-mile radius. Across the interchange, or  
2 around the interchange, you have North Point, which has somewhere in the  
3 neighborhood of a million and a half square feet of commercial. You have the CSCDPS  
4 campus which has about a couple of thousand employees, ballpark. Then over here  
5 you've got the Carolina Pines development. These are all within a mile or two of this  
6 development. That includes down here is Bose. Then you've got the Belk Warehouse  
7 and variety of other things over here. So you can see this interchange is a pretty well-  
8 developed interchange. And what I would argue is, just like Devine Street in 1920, just  
9 like Forest Drive, this area is where you want your density to be. You want it to be  
10 around your transportation nodes. If you refer to the 2020 Plan, it specifically  
11 encourages that sort of density in those sorts of locations. And it does so, so that you  
12 avoid the situation that you had earlier when you were talking about off of Kennerly  
13 Road, where you have people moving into areas that are truly rural and are somewhat  
14 isolated from the – by nature of the transportation system. This is not, as you can see,  
15 isolated. Even if you were to remove all these other developments, it wouldn't be  
16 isolated because you've got the interchange of an interstate highway and a US  
17 highway. You can go to the next slide, please. This shows the principal ingress and  
18 egress onto the site. Off of US 21 we just have one point of ingress and egress. We  
19 have a relatively narrow stretch of road to work with. And we're more than willing to line  
20 up our entrance with the folks over here. Typically the way that the transportation  
21 planning is done is that it's whoever gets there first gets first pick. And whoever comes  
22 in second gets second pick and they line up on the guy who's been there first.  
23 Immediately north of the site you can actually see where Highway 21 - where the right-

1 of-way widens out and it becomes a four-lane, divided road up in here as it nears the  
2 interchange. Here's Turkey Farm Road. And you can see the proximity of these others.  
3 Here's Marthann Road, which we were talking about before. Next slide, please. This is  
4 the topography at the site. Basically, it all flows back towards Hawkins Creek. We're in  
5 the process of delineating the wetlands and setting up buffers to protect the vegetated,  
6 natural areas and set up the detention to keep it out of the creek. But you could see  
7 that the site design is really built around the topography of the site. Next slide, please.  
8 And finally, this is the bubble map. Basically, it's residential throughout. You have your  
9 principal method of ingress/egress. And then the key feature, it's really oriented around  
10 preserving Marthann Creek watershed, developing a hiking/walking trail along that,  
11 which at some point down the road could be tied in to a regional hike-and-bike system  
12 or something like that that they have in Austin and in other cities. And most of the  
13 amenities in the area are really tied around this creek. And the last slide, please. In  
14 summary, it's got mixed densities. It is all residential. I originally did have some  
15 commercial in it. But after taking a look at the commercial that was already slated in  
16 that area, it was removed. Didn't really feel that it was appropriate or necessary given  
17 the other commercial that was across the street and then the commercial that was  
18 included in the Turkey Farm PUD. It's near future retail and existing employment. The  
19 employment is there today. The retail's going to be there. You saw where that'll be  
20 north of the site down the road. It protects natural features and allows connection to a  
21 future trail system. There's a cap of 202 units. There's a single point of ingress and  
22 egress limiting the number of turning movements onto Highway 21, which will allow it to  
23 be aligned with the project across the road. It adds density near the interstate

1 interchange, which is really where you want your density. Is where you can best handle  
2 it. It limits the need – because we're adding density near the interchange, we're  
3 effectively limiting density in the rural parts of the county in the sense that we're  
4 providing more supply here and removing the demand for it in other places. The road  
5 has capacity for traffic. Carl went through some pretty elaborate number crunching,  
6 which refers, primarily, to the traffic count station, which is three miles to the south. But,  
7 obviously, you saw where the four-lanes stop. And that'll handle a much higher level of  
8 traffic. And then, finally, prior to this meeting the Staff had requested that we provide  
9 land for future road righting, which we're willing to do. And however y'all want to set  
10 that up, willing to accommodate that. So, in summary, that's it. I have Bob Vowles  
11 here, who's the developer, who's available for any further questions. Anything I can  
12 help y'all with?

13 CHAIRMAN VAN DINE: Mr. Vowles want to speak?

14 **TESTIMONY OF BOB VOWLES:**

15 MR. VOWLES: I think one of the other issues [inaudible]. My name is Bob  
16 Vowles, 2600 Mountain Ivy Court, Charlotte, North Carolina. One of the other issues,  
17 looking at this piece of property, is that it was clear cut. Cut from pines about seven or  
18 eight years ago. The trees existing on there are primarily 6-7' replanted pines. The  
19 hardwoods are primarily down along the lowlands and on the creeks. Those areas are  
20 set aside for walking trails and natural [inaudible]. Questions?

21 CHAIRMAN VAN DINE: If I understood what the offer that was just being made,  
22 we should, in fact, insert K back in to the conditions as opposed to removing them at  
23 this stage.

1 MR. VOWLES: We'll do it however y'all wanted it.

2 MS. ALMEIDA: Possibly restating that the applicant is offering the dedication.

3 CHAIRMAN VAN DINE: The applicant has offered and accepted that as a  
4 condition.

5 MS. LINDER: That's correct. If the applicant has agreed to it, then we can make  
6 that a condition.

7 CHAIRMAN VAN DINE: That was my understanding of what he has just done.  
8 Alright. Patrick Malloy. Janet Robinson to follow and Terry Roberts to follow her.

9 **TESTIMONY OF PATRICK MALLOY:**

10 MR. MALLOY: Good evening. I'm Patrick Malloy. I live on 136 Dunwoody Place  
11 And my concern about this project going on now is 200 and something houses is a lot of  
12 houses on 52 acres of land. And Hawkins Creek runs through my property. I'm  
13 concerned about clearing all that land out. And I've got a little small pond, also, on my  
14 property. And I'm worried about it getting full. Worried about a buffer zone, also.

15 CHAIRMAN VAN DINE: Thank you, sir. Janet Robinson.

16 **TESTIMONY OF JANET ROBINSON:**

17 MS. ROBINSON: Janet Robinson, 1170 Hollis Pond Road. You know, it's the  
18 water thing, again. And I just feel like that my pleas are falling on deaf ears because,  
19 yes, I can call DHEC. And, yes, I can call the Army Corps of Engineers. And, yes, I can  
20 call Richland County Storm Water Management. But the laws are not being enforced.  
21 And ask me why and I don't have an answer. My property is being destroyed so  
22 developers can fatten their pocketbooks. And I don't understand why. I mean nobody  
23 can tell me why. I call government agencies and the buck is passed. Why? I mean I

1 don't get it. I really don't get it. I come here thinking I come here for help. And I don't  
2 get any help. And, again, we're an army of one. And it's so disappointing, to say the  
3 very least. Their thing here says there are, however, plans from the City of Columbia to  
4 run sewer through this area. They're talking about running sewer through Hawkins  
5 Branch. They've already come to us, the City of Columbia, and we've denied that  
6 because they're going to have to bore through earthen dams. That is the only means to  
7 get to my home! I don't know what else to say. I don't know how more clear I can be  
8 about it. If y'all allow all this to go in, there are going to be 1,300 residents in less than a  
9 two mile span. I mean I really don't know. Why don't you just go ahead and rezone  
10 everything carte blanche and let them go on in and just destroy what we have because  
11 that is what's happening here. I came here in 1999 with Stonington. We were here for  
12 the Turkey Farm stuff. We're here, again. And it's spot zoning one after the other. And  
13 nobody really cares. Because this is what's going to destroy our land is all this water.  
14 The gentleman's right. No, it's not going to put more water in our ponds. But it is going  
15 to put it there faster. I know. I'm living testament. I have invited everybody to my  
16 property to see it when it rains. And nobody will take the time out of their busy day to  
17 come. And I don't understand it. I really don't get it. I did get my pictures back. But I  
18 did have two sheets of paper that had two pictures on each sheet that I would really  
19 appreciate if I could get those back.

20 CHAIRMAN VAN DINE: Did they make it down that far?

21 MR. MANNING: I don't know.

22 CHAIRMAN VAN DINE: Let us take a look for it up here. I know it got past me  
23 down that way, so we'll –

1 MS. ROBINSON: Yeah. I got the pictures. I just didn't get the other. There's  
2 two white sheets and there were two 4 x 6 pictures on each sheet.

3 MR. MANNING: I don't see them.

4 CHAIRMAN VAN DINE: Alright. Terry Roberts, please.

5 **TESTIMONY OF TERRY ROBERTS:**

6 MS. TERRY ROBERTS: My name is Terry Roberts. I live on 125 Dunwoody  
7 Place I'm here in concern of the density of the development of the property, number  
8 one. Number two, the density of the property. Three is the environmental concerns, as  
9 well. Safety issue as far as out there on 21, it's already a dangerous thing to pull out  
10 there. There's been wrecks and stuff quite frequently. It's destroying the nature of the  
11 whole neighborhood, as well. So I'd like to see you deny this proposal. Thank you.

12 CHAIRMAN VAN DINE: Thank you. Those are the only people who have signed  
13 up to speak on this request. Do I hear anything from the Commission? Any questions?

14 MR. JACKSON: Staff, how about the situation with the water? How about the  
15 situation with the water? The water problem as the resident explained.

16 MR. GOSLINE: What do you mean water? You mean potable, drinking water?

17 CHAIRMAN VAN DINE: Run off.

18 MR. JACKSON: I'm [inaudible]. Storm water.

19 MR. GOSLINE: Oh, okay. Right. Okay.

20 MR. JACKSON: The run off from development of the property. Are there any  
21 laws or rules about changes the –

22 MR. GOSLINE: Yes.

23 MR. JACKSON: - feed or the flow of the water. And how will it be addressed?

1 MR. GOSLINE: Post-development run off is not supposed to exceed the pre-  
2 development run off rate and amount.

3 MR. JACKSON: The development run off is not supposed exceed –

4 MR. GOSLINE: Post-development, the amount and rate of run off from after the  
5 development is not supposed to exceed what it was before there was any development,  
6 which is why you have retention/detention ponds.

7 MR. JACKSON: With this project there'll be retention and detention ponds  
8 [inaudible].

9 MR. GOSLINE: Yeah, they'll have to. Sure. Yes, they will have to do that in the  
10 subdivision process.

11 MR. JACKSON: They will have to do that.

12 MR. GOSLINE: Sure.

13 CHAIRMAN VAN DINE: Where things happen in relation to this kind of issue, if it  
14 can't be resolved through either the DHEC or Public Works, or some other entity, the  
15 only recourse an individual has is to bring a claim in court for a nuisance and/or a  
16 destruction of property by devaluation of the stream. The pictures that are shown,  
17 frankly, show me that you ought to file a law suit in relation to those particular issues.

18 MS. ROBINSON: Who has the money to fight developers? I mean we don't. I  
19 mean they have deep pockets.

20 CHAIRMAN VAN DINE: They may have deep pockets, but you get 12 people  
21 sitting up there who are in your position and eventually their pockets are going to get  
22 lightened. I can virtually guarantee you – I've been on the other side of those. And the  
23 citizenry of this county doesn't like it. They make them –

1 MR. HOLLIS: Shouldn't allow it to start with.

2 CHAIRMAN VAN DINE: They make them pay for it.

3 MS. ROBINSON: You have a good attorney I can call?

4 MR. HOLLIS: [Inaudible]. You don't have no need to [inaudible].

5 MR. GOSLINE: Yeah, do you know a good, Howard?

6 MS. ROBINSON: Do you know a good attorney?

7 [Laughter]

8 CHAIRMAN VAN DINE: I believe that would be conflicted out of any situation,  
9 here.

10 MR. MANNING: Ma'am, when you call the County Engineer, what has he said?

11 MS. ROBINSON: The County Engineer's been. Storm Water Management's  
12 been. And they have said, "We'll stop them if it continues to happen. We'll slap them  
13 with fines." Fines have not been imposed. I finally turned it in to the Army Corps of  
14 Engineers. And the Army Corps of Engineers shut them down until they could resolve  
15 some issues. But -

16 MR. MANNING: So somebody is doing something.

17 MS. ROBINSON: But the detention pond is not working properly and nobody will  
18 seem to make them fix it because they're saying it's working as designed. Well, as  
19 designed is dumping mud constantly in our ponds.

20 MR. MANNING: Right. Carl, is there any way to coordinate -

21 MR. GOSLINE: Well, Ms. Robinson, as she has said, has had an ongoing  
22 discussion -

23 CHAIRMAN VAN DINE: Battle.

1 MR. GOSLINE: – with the County about Stonington, in particular. And these  
2 other projects just, obviously, add to the problem. But in Stonington, they came in for  
3 Phase II and we've held them up pending a whole bunch of issues, not the least of  
4 which is wetlands approval, some right-of-way, and a whole bunch of other things. So  
5 that's about all we can do. And, you know, we've been through this before. We can  
6 take, you know – all we can do is take them to a magistrate and get \$1,000 fine. And so  
7 the real – I'm not sure what – there's a whole bunch of answers to this but a lot of it's  
8 litigation.

9 CHAIRMAN VAN DINE: It's more of a private right-of-action than it is a public  
10 right-of-action [inaudible].

11 MR. GOSLINE: Well, I'm not sure I'd agree with that, Mr. Chairman, because the  
12 various public agencies have laws that they're supposed to enforce to the best of their  
13 ability and within the limits set by the General Assembly. So it's some combination, for  
14 sure.

15 MR. JACKSON: Well, someone is not enforcing the law, you're saying?

16 MR. GOSLINE: Excuse me?

17 MR. JACKSON: Someone is not enforcing the law?

18 MR. GOSLINE: Hum, I wouldn't necessarily say that. We're very limited in what  
19 we can actually do.

20 MR. PALMER: Have you done what you can do?

21 MR. GOSLINE: The Planning Department has. I'm not – you know – you can  
22 argue about whether the county, as whole, has or not.

1 MR. MANNING: Is there any way you could coordinate getting the applicant with  
2 the Engineering Department, clean water, sediment and erosion control [inaudible]?

3 MR. GOSLINE: Mr. Manning, we've had extensive meetings with Ms. Robinson.  
4 And we've, periodically, had meetings regarding, particularly, Stonington and with Public  
5 Works and all that. And she's right, you know. It's frustrating because there's not a  
6 whole lot we seem to be able to do. But the Department's done about all it can do.  
7 We're holding up Phase II until we get a lot of answers. And that's about all we can do.

8 MS. LUCIUS: So really, it's just words here. "... and the applicant shall be  
9 required to ensure that the post-development storm water discharge is no greater than  
10 the pre-development discharge." There it is. It's one of the conditions. It's just words  
11 because it can't be enforced. That's what we're hearing.

12 AUDIENCE MEMBER: And it's in home [inaudible].

13 MS. ALMEIDA: Because also the calculation that they're using is skewed from –  
14 they're in error from the beginning. I mean they're not working now. And everyone  
15 seems to be using those same base calculations. So what needs to be done –

16 MR. JACKSON: Who sets the calculations?

17 MS. ALMEIDA: - is an evaluation of that base calculation.

18 MR. JACKSON: And who's supposed to do that?

19 MS. ALMEIDA: Well, that could be the developer, if you so choose that they  
20 actually do an environmental impact statement.

21 MR. GOSLINE: Let me make sure we're – are we still talking about Hawkins  
22 Creek PUD? Because what I'm talking about is the general problem Ms. Robinson has  
23 identified. And both the two discussions, she's absolutely right about it, all of it. It

1 continues to be a problem. In terms of the PUD, I'm not sure – certainly, the upstream  
2 people have some responsibilities to do post run off and all that and meet all the laws.  
3 But the real problem is - some people think the laws aren't strong enough – but the real  
4 problem is we don't have enough, strong enough, disincentives to – or penalties to put  
5 on people to make them do what they're supposed to do. And the only way you can do  
6 it is through civil action. And, you know, Ms. Robinson's right. Almost none of here can  
7 afford to do that. But, you know, that's not our fault. It's not the developer's fault. It's  
8 the fault that we just don't have the tools. The local governments don't have the tools  
9 they need to do the job.

10 MS. LUCIUS: So that condition I was reading is out of the Hawkins Creek PUD –

11 MR. GOSLINE: Uh-hum (affirmative).

12 MS. LUCIUS: - so I'm saying, you know, it's just words, apparently.

13 MR. JACKSON: Well, if there's something we can do I'd just like to ensure that  
14 we have a design of retention pond for - I prefer for development to handle [inaudible].

15 MR. GOSLINE: The design, the retention – storm water detention design system  
16 for this project will be considerably less complex that the one above it, upstream of it,  
17 across the street.

18 MS. LUCIUS: You're talking about the Mungo Development?

19 MR. GOSLINE: No.

20 CHAIRMAN VAN DINE: We just approved.

21 MS. LUCIUS: Across the street.

22 MR. GOSLINE: Across Wilson Boulevard from –

23 MS. LUCIUS: Oh, I thought you meant across the street.

1 MR. GOSLINE: No, across Wilson Boulevard. Let me be specific.

2 MS. LUCIUS: Okay.

3 MR. JACKSON: But that's crossing over it.

4 MS. ROBINSON: It still has the access to Hawkins Creek.

5 MR. ANDERSON: Yeah. When we go to subdivision approval, obviously, we're  
6 going to have to meet all the county ordinances on storm water and run off and things  
7 like that, as well as all the DHEC ordinances and the federal laws with respect to  
8 wetland, things like that. That'll all be incorporated at the subdivision level of the design  
9 where y'all have another opportunity – the Staff will have another opportunity to review it  
10 on its technical merits. And then y'all will have the ability to review it, as well.

11 MS. LUCIUS: I don't think we were referring to this. I think we just realize that  
12 what we're trying to enforce we don't have the teeth to do it. The law has no teeth in it,  
13 you know.

14 MR. ANDERSON: But the law –

15 MS. LUCIUS: But it was not a reflect on your –

16 MR. ANDERSON: Okay.

17 MR. JACKSON: I understand. But, as the Staff mentioned, with the calculations  
18 of the design maybe there can be some recalculation – I'm not sure – for the [inaudible].

19 MR. GOSLINE: But I think what Anna's saying here is that these, you know – we  
20 need – all of us in the county need to be more mindful of these projects that come in to  
21 very defined drainage basins like this one. This is a very defined basin. The Mungo  
22 PUD, for example, had their largest lots next to the creek and their smaller lots internal.  
23 So that was some design response. This project, the subject project, has shown some

1 buffers around the wetlands. The one across Wilson Boulevard did not for a lot more  
2 intense development.

3 MR. MANNING: I think, though, that he said that the buffer would be confined to  
4 the area around the wetlands.

5 MR. PALMER: I think they said that 50% of the gross area for open space would  
6 be around the [inaudible].

7 MR. MANNING: So there is some buffer and that's not totally correct.

8 CHAIRMAN VAN DINE: Well, let's get back to what we're doing here. As far as  
9 the request that's before us now, what is the proposal for assuring that the amount of  
10 water run off from the property, as is exists, is not going to further exacerbate  
11 downstream problems or add additional water or additional sedimentation into the area?  
12 Has that even been addressed at this stage?

13 MR. ANDERSON: Not yet. I mean it's – typically that's part of the subdivision  
14 approval process. There's a set of county ordinance that we have to meet that include  
15 those exact stipulations, essentially.

16 CHAIRMAN VAN DINE: How will you determine the amount of run off that  
17 presently exists from the property downstream so that you will not be exceeding the  
18 amount of run off either in speed or in volume?

19 MR. ANDERSON: I'm not a civil engineer, but I would assume that we would  
20 have to comply with whatever the standard civil engineering guidelines are for the  
21 Richland County Engineer to approve it.

22 MR. CRISS: The consulting engineer would typically refer to run off coefficients  
23 depending on the nature or the landscape, whether it's treed, pastured, or otherwise,

1 pervious, impervious to rainwater. And those would all be reviewed by the Public Works  
2 Department Engineering Staff before the issuance of the grading permit.

3 CHAIRMAN VAN DINE: Any other questions or comments for Staff? Do I hear a  
4 motion on this project?

5 MR. MANNING: Mr. Chairman, I'd like a motion to send this forward for approval  
6 subject to the conditions, with the elimination of Item K.

7 MR. GOSLINE: And we'll reword K to note that the applicant has –

8 CHAIRMAN VAN DINE: [Inaudible] approved. That the applicant has –

9 MR. MANNING: Oh, that's correct.

10 MR. GOSLINE: Agreed to –

11 CHAIRMAN VAN DINE: - agreed to Item K.

12 MS. LINDER: And that does include the approval of the General Development  
13 Plan.

14 MR. MANNING: That's correct.

15 MS. LUCIUS: And that is without the commercial.

16 CHAIRMAN VAN DINE: There is no commercial.

17 MS. LUCIUS: That was the only question I had and you took it away from me  
18 immediately. Because I couldn't see why we needed commercial with all that  
19 commercial [inaudible].

20 MR. GOSLINE: The earlier version of –

21 MS. LUCIUS: Had commercial.

1 MR. GOSLINE: - had some commercial in it. And, as Mr. Anderson said, they  
2 weren't overly excited about it in the first place. So when they saw what else was going  
3 on it was –

4 MS. LUCIUS: Saw all that other going in.

5 MR. GOSLINE: - kind of a no-brainer.

6 CHAIRMAN VAN DINE: Do we hear a second to the motion?

7 MR. PALMER: Second.

8 CHAIRMAN VAN DINE: Further discussion?

9 MR. PALMER: Well I would just like to say as my second that I just don't want to  
10 be accused of throwing the baby out with the bathwater. And whatever these guys – if  
11 these guys at Stonington are responsible for destroying these ponds and these families  
12 homes I would be the first in line to throw the book at them, burn them at a stake,  
13 whatever you will. But it's absolutely awful and I would just pressure them to do, civilly,  
14 whatever they can because the more development comes out there that's more people  
15 that they say can add to that. So if they're the only ones out there right now that's  
16 causing that, you need to get to them while you can because they're going to start  
17 blaming it on everybody else, too.

18 AUDIENCE MEMBER: Excuse me, in fact they're not the only ones out there.  
19 This is nothing but [inaudible].

20 MR. PALMER: I understand. But just because Stonington's not doing what  
21 they're supposed to be doing and they're –

1 AUDIENCE MEMBER: Well, who's going to make who do what? They're  
2 passing the buck. It's the same as you've already commented [inaudible] I'm sorry. But  
3 the teeth aren't there.

4 MR. JACKSON: Well, I'd emphasis that the Staff do everything in its power to  
5 help in whatever way, recalculating the figures to make sure the retention ponds are -  
6 hold the capacity or can handle it or something like that. Just some help and some  
7 investigation and making it better, what's there. That's all future development.

8 CHAIRMAN VAN DINE: We have a motion to send it forward with a  
9 recommendation of approval subject to the conditions on page 162 and 163. All those  
10 in favor please signify by raising your hand. All those opposed.

11 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Manning, McBride; Recused:*  
12 *Green; Absent: Wyatt]*

13 CHAIRMAN VAN DINE: May I make a suggestion to you? Mr. Yancey McLeod  
14 was here earlier to speak.

15 AUDIENCE MEMBER: He worked for us earlier.

16 CHAIRMAN VAN DINE: I would suggest that you talk with him and have him put  
17 you in touch with some individuals who may be able to help you in relation to a civil  
18 action. Because there are people who are willing to do it on a contingency basis.

19 MR. HOLLIS: We've hired an environmental [inaudible]. We know what's in  
20 there. We've checked the depth. We know what was in there beforehand.

21 MR. GOSLINE: Well, Mr. Green is still here, right?

22 MS. LUCIUS: Oh, is he in there? Somebody go [inaudible].

1 CHAIRMAN VAN DINE: No, he's not - don't get him. He's recused for this one,  
2 as well.

3 MR. GOSLINE: Oh, okay.

4 MR. PALMER: Is this the last one or there's one more after this?

5 CHAIRMAN VAN DINE: Oh, no. There're at least –

6 MS. LUCIUS: There's several more.

7 MR. JACKSON: This one going fast.

8 CHAIRMAN VAN DINE: Alright. Before we start Mr. Green has asked me to read  
9 into the record on 05-40 MA: "I must request to be excused from participating in  
10 discussion or voting on agenda item number 05-40 MA, regarding rezoning of 4.14  
11 acres, which is scheduled for review and/or discussion at today's Planning Commission  
12 meeting. It is my understanding of the Rules of Conduct, Provisions of Ethics,  
13 Government Accountability and Campaign Reform laws that since I am employed by the  
14 real estate company involved in the sale of this property I am unable to participate in  
15 this matter through discussion or voting. Therefore, I respectfully request that you  
16 indicate for the Record that I did not participate in any discussion or vote relating to this  
17 item representing a potential conflict of interest. I would further request that you allow  
18 and direct this letter to be printed as a part of the official minutes, and excuse me from  
19 such votes or deliberations, and note such in the minutes. Thank you for your  
20 consideration. Eugene Green." Let the Record reflect that Mr. Green did not participate  
21 in the discussions concerning this matter. Mr. Gosline.

1 **CASE 05-40 MA:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request by Agnew Lake  
3 Services to rezone a 4.1 acre parcel on Shadowood Drive and Dutch Fork Road from  
4 RU to PDD. The Department recommends approval subject to the conditions on page  
5 177 and 178. The development plan is shown on page 183. One thing I would like to  
6 say is that this project has an opportunity to be a gateway into this portion of the lake  
7 and would hope that the office portion of the project – you'll note in the PUD that it has  
8 some boat storage and repair at the back end of the property, but the office is going to  
9 be right out on the point kind of thing. And we'd like to see – hopefully encourage the  
10 applicant to do something a little special there in terms of landscaping and really  
11 dressing up the property. But other than that, I don't have anything else to say except  
12 we recommend approval.

13 *[Palmer out at 6:50 p.m.]*

14 CHAIRMAN VAN DINE: Mr. Agnew.

15 **TESTIMONY OF GERALD STEELE:**

16 MR. STEELE: I'm Gerald Steele with Edens & Avant representing Gateway  
17 Baptist Church and Agnew Lake Service. And Mr. Agnew is here today if you have any  
18 questions for him. And on your page 181 on your zoning map, you can see we're  
19 compatible with the zoning in there. And I'm here to answer any question or Mr. Agnew.

20 CHAIRMAN VAN DINE: Did we do another rezoning right in this area either last  
21 month or the month before?

1 MR. GOSLINE: Not too long ago we did the big, red piece on the south side of  
2 Dutch Fork Road across from the Coogler and the Post Office. Yeah, the answer to  
3 your question is yes. Mr. Steele was the agent for that one, as well.

4 MS. LUCIUS: That was in April of '04.

5 MR. GOSLINE: Right. And some time ago we did a PDD for Agnew on the lake,  
6 itself. The reason they're doing this one is that that was leased property and they need  
7 to move their facilities over to the point, to the triangle.

8 CHAIRMAN VAN DINE: Okay.

9 MR. STEELE: Address the question of the office building. It will be a nice office  
10 building. It'll be stick-built. In there [inaudible] operation will go in behind it. And he'll  
11 landscape it, buffer it, and everything else. It backs up to South Carolina Electric & Gas  
12 Company, which property [inaudible].

13 CHAIRMAN VAN DINE: Okay.

14 MS. ALMEIDA: Mr. Chairman, Staff would like to let the applicant know that the  
15 attachment B, which is the site plan, landscape plan that they submitted needs to be  
16 revised according to the subject conditions.

17 CHAIRMAN VAN DINE: Alright. Any questions? Mr. Steele and Mr. Agnew were  
18 the only ones to sign up.

19 MR. JACKSON: Ms. Lucius.

20 MS. LUCIUS: I'm sorry. You said they're having to move?

21 MR. STEELE: They're going to move the operation - they're right there now  
22 across the street.

23 MS. LUCIUS: Right. They're on both sides of –

1 MR. STEELE: Yeah. They're in the neighborhood, now. Been there for years.

2 MS. LUCIUS: Uh-huh (affirmative).

3 MR. STEELE: Right across the –

4 MS. LUCIUS: Moving everything over there?

5 MR. STEELE: Yeah. And they're going to improve the location.

6 MR. JOE AGNEW: No, it's not everything.

7 MS. LUCIUS: Okay.

8 MR. AGNEW: But the office and the storage will be moved over.

9 MS. LUCIUS: Will be moved. Right. You're still going to be there.

10 MR. AGNEW: Well, we won't be in our present location - well, our lease is out,  
11 up, in five years. And we'll be – I'm sure it'll take us three or four years to get this taken  
12 care of.

13 MS. LUCIUS: Oh, okay.

14 MR. AGNEW: But then we won't be on the site where we are right now at all.

15 MR. GOSLINE: Mr. Chairman?

16 MR. AGNEW: [Inaudible] across the cove and across the street.

17 CHAIRMAN VAN DINE: Mr. Agnew, if you're going to – I thought you were only  
18 going to say a couple of things. If you're going to keep going you need to get up to the  
19 microphone so they can record.

20 MR. AGNEW: [Inaudible]

21 MS. LUCIUS: He's finished, I think. Okay.

22 MR. AGNEW: Okay. What other questions do you have?

23 MS. LUCIUS: That was it. [Laughter]

1 MR. CRISS: If you could identify yourself.

2 MR. AGNEW: My name is Joe Agnew. I am at 301 Shadowood Drive in Irmo.

3 MS. LUCIUS: Okay. Thank you.

4 MR. JACKSON: Mr. Chairman, based on the applicant's and traffic generated  
5 which is very minimum, 120 vehicles per day, and the level of service will be a 'C', I  
6 move for approval.

7 MR. MCBRIDE: I'll second.

8 CHAIRMAN VAN DINE: Does this have a general development plan with this?  
9 Okay. Thank you, ma'am. We have a motion for approval and a second. Any  
10 discussion? All those in favor, please signify by raising your hand.

11 *[Approved: Furgess, Lucius, Jackson, Van Dine, Manning, McBride; Recused: Green;*  
12 *Absent: Palmer, Wyatt]*

13  
14 MR. GOSLINE: Who was the second, please?

15 MR. MCBRIDE: I was.

16 CHAIRMAN VAN DINE: Mr. McBride.

17 MR. GOSLINE: Okay. You've had your one for tonight, Larry.

18 CHAIRMAN VAN DINE: Next we have is 05-53 MA.

19 **CASE 05-43 MA:**

20 MR. GOSLINE: Mr. Chairman and Members, this is one of the more unusual  
21 requests. This is a request to go back from RS-1 to RU. And this is adjacent to the  
22 Dutch Oaks subdivision, was originally part of that. The applicant, however, wants to  
23 rezone the property back to RU. And the Department couldn't see any reason not to  
24 agree with them so we recommend approval.

25 CHAIRMAN VAN DINE: Mr. or Mrs. Smoot, are you here?

1 MR. SMOOT: Yes, sir.

2 CHAIRMAN VAN DINE: If either or both of you have something to say, please  
3 step down.

4 MR. SMOOT: I just have a few words to say.

5 CHAIRMAN VAN DINE: And we apologize for making you wait this long. Wasn't  
6 it interesting?

7 **TESTIMONY OF ALBERT SMOOT:**

8 MR. SMOOT: Twenty-six years in the military, it was worth the wait. My name is  
9 Albert Smoot. I live at 1807 Shady Grove Road. The reason I want to rezone this back  
10 because when I got to purchase this property the property was supposed to be rural  
11 because the portion that he cut off was 4.4 acres and it's been rural and the rest of it  
12 was residential for the subdivision behind me. So since I've got to fence that whole  
13 area in that I bought and everything that's adjacent to me to the north is rural.  
14 Everything behind me is residential. I want to stay with the rural going the other way. If  
15 you can do that for me I'd really appreciate it.

16 CHAIRMAN VAN DINE: Alright.

17 MS. LUCIUS: Alright.

18 MR. GREEN: Marsha. You ought to have the right to make this motion.

19 MS. LUCIUS: Yes. I would like to make a motion that we approve this rezoning  
20 subject to – are there conditions?

21 CHAIRMAN VAN DINE: I don't think there would be any conditions.

22 MS. LUCIUS: There're not any conditions.

23 MR. JACKSON: I'll second it.

1 MR. FURGESS: I second that.

2 CHAIRMAN VAN DINE: Any other discussion? We have a motion to send this  
3 forward with a recommendation of approval. All those in favor please signify by raising  
4 your hand.

5 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
6 *Palmer, Wyatt]*

7 CHAIRMAN VAN DINE: A very enlightened request.

8 [Laughter]

9 MR. GOSLINE: Mr. Chairman, about an hour and a half ago Mr. Smoot asked  
10 me, "How long do these things go on?" I said, "Usually about two hours less than they  
11 already have."

12 [Laughter]

13 MS. LUCIUS: You really hit us with a lot today.

14 MR. GOSLINE: Wait until next month.

15 MS. LUCIUS: Oh, no!

16 CHAIRMAN VAN DINE: Next we have onboard is 05-54 MA.

17 **CASE 05-54 MA:**

18 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone 3.9 acres  
19 from D-1 to C-3. This is - if you look at the aerial on page 204, this is almost to the  
20 corner of Broad River Road and Kennerly. Just off the top corner of the picture is the  
21 new Publix and all that sort of stuff. The Staff recommends approval of this one, as  
22 well.

23 CHAIRMAN VAN DINE: Ms. Bulluck.

1 **TESTIMONY OF GLORIA BULLUCK:**

2 MS. BULLUCK: Mr. Chairman, Commissioners,

3 MR. FURGES: Give your name. You just need to give your name and address  
4 so she'll know.

5 MS. LUCIUS: Oh, no. Just into the microphone.

6 MS. BULLUCK: Oh, I'm sorry. My name is Gloria H. Bulluck, 213 Twin Flower  
7 Lane. The property that we're speaking on, 7131 Broad River Road, actually belongs to  
8 my father. And we would have probably worked with this a long time ago, but a year  
9 ago he passed. And my husband passed after him. So I had to kind of go back to  
10 trying to get me together to come back to the original plan, which was to come and try to  
11 get it from a D-1 to a commercial access, commercial land. I've lived at 7131 all my life  
12 and around me is commercial land. If you look at the site you'll see that I'm surrounded  
13 by commercial land. And, like I said, as I was growing up, people were telling my father,  
14 "You need to go back and try to get that done." But we never did get a chance to do it.  
15 And when he really decided to do it, he got sick, so. On the left of this house is a  
16 hairdresser place. And on down the street is a St. Andrews muffler place. Across from  
17 me, starting all the way down from – [inaudible] company up to Riverwalk [inaudible]  
18 and then up to Riverwalk. Then in front of me is the tax place, Goodwill, and on down.  
19 I'm just surrounded by commercial land. So that's my plea to you today. Thank you.

20 CHAIRMAN VAN DINE: Thank you. Ms. Bulluck is the only one signed up.  
21 Does anybody have any questions for Staff or -

22 MR. GREEN: Mr. Chairman, I would recommend we send this forward with a  
23 recommendation for approval for rezoning to C-3.

1 MR. MANNING: Second.

2 CHAIRMAN VAN DINE: We have a recommendation to send this forward with a  
3 recommendation of approval. Any discussion?

4 CHAIRMAN VAN DINE: Yeah, we have a second. All those in favor please  
5 signify by raising your hand. That was unanimous.

6 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
7 *Palmer, Wyatt]*

8 CHAIRMAN VAN DINE: Ms. Bulluck, this will be before County Council on April  
9 26<sup>th</sup> for first reading. So we are just a recommending body so they will have final say as  
10 to whether or not it goes forward. Next, 05-57 MA.

11 **CASE 05-57 MA:**

12 MR. GOSLINE: Mr. Chairman and Members, this is another unusual request. If  
13 you recall, some time ago we talked about taking out a restaurant over there on Bluff  
14 Road and making a condominium out of it called The Spur. This is, virtually, across the  
15 street from it in what is existing warehouses. And the applicant proposes to convert  
16 these to residential units. There may be some live-work, but most of them will be  
17 residential. So the Department recommends approval. It should be noted that this  
18 piece is part of a bigger piece. If you look at the aerial on page 216, the area between  
19 Berea and Market and Bluff and Key is – I think the applicants are working on at least a  
20 portion of acquiring some more property in there to continue this same project. Berea is  
21 a public street up to this corner where the property line is. And after that it's private and  
22 it's, basically, loading area for the warehouses on either side. Frame of reference: this

1 building on Berea right next to the property is Cromer's Store. It's an interesting market  
2 going on down there right now. Everybody wants condominiums in the industrial area.

3 CHAIRMAN VAN DINE: Would condominiums, as far as C-3, I mean is that the  
4 requirement for -

5 MR. GOSLINE: Multi-family is permitted in a C-3.

6 MR. GREEN: And that C-3 is going to convert to GC. And that's, from a timing  
7 standpoint, is that going to create a permit issue with a building permit if this thing  
8 converts to GC before the application goes in for the building permit?

9 MS. ALMEIDA: No.

10 MR. GOSLINE: Well, the zoning won't be done until the first week of June, if  
11 everything goes right. The earliest the zoning would be complete would be the first  
12 week of June. And whether they get building plans in before the 1<sup>st</sup> of July or not I don't  
13 know.

14 MR. GREEN: And so if this converts to GC come July – July 1<sup>st</sup> is the conversion  
15 date of C-3 to GC. C-3 to GC, is there going to be a building permit issue for this  
16 applicant?

17 MR. CRISS: Multi-family would be allowed in the GC.

18 MR. GREEN: Okay. So everything that's permitted -

19 MS. ALMEIDA: Right.

20 MR. GREEN: - for this use. Okay.

21 CHAIRMAN VAN DINE: The only people that have signed up are signed up for. I  
22 can certainly let them speak unless I hear a motion from the floor first.

23 MR. JACKSON: I move that this be approved subject to conditions on page –

1 CHAIRMAN VAN DINE: We have no conditions.

2 MS. ALMEIDA: No conditions.

3 MR. JACKSON: No conditions? Well, I move that it be approved.

4 MR. GREEN: Second.

5 CHAIRMAN VAN DINE: We have a motion of approval of changing 05-57 MA to  
6 C-3 and a second. All those in favor please signify by raising your hand.

7 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
8 *Palmer, Wyatt]*

9 MR. GOSLINE: Mr. Chairman, who was the second?

10 CHAIRMAN VAN DINE: Take your pick. There were a number of them who  
11 yelled it out.

12 AUDIENCE MEMBER: Would you like to see a picture of it?

13 *[Laughter]*

14 MR. GREEN: It's really ugly. Is that what you're going to tell us?

15 MS. LUCIUS: Well, they've been sitting here. We need to see it. Oh, yeah.

16 AUDIENCE MEMBER: Converting a warehouse into this.

17 MR. GREEN: Looks great.

18 CHAIRMAN VAN DINE: The only problem is the colors on the top.

19 *[Laughter]*

20 AUDIENCE MEMBER: I gathered that!

21 *[Laughter]*

22 CHAIRMAN VAN DINE: Thank you. And I'm sorry you had to wait that long.

1 AUDIENCE MEMBER: Thank you. My only IOU is, if my wife calls you, I want  
2 you to tell her I was here.

3 [Laughter]

4 CHAIRMAN VAN DINE: We will do that. Next is 05-58 MA.

5 **CASE 05-58 MA:**

6 MR. GOSLINE: Mr. Chairman and Members, this is a request of Gentry  
7 Development and Don Lovett to rezone 40 acres at the northeast quadrant of the new  
8 Clemson Road and Longtown Road from C-1 and RU to C-3. Staff recommends  
9 approval.

10 CHAIRMAN VAN DINE: That's going all the way up across, so –

11 MR. GOSLINE: Right. This will necessitate acquiring a number of residences.  
12 You'd have to ask Mr. Lovett about the status of that. If you'll recall – if you look at page  
13 230, Clemson Road comes straight across the C-3 triangle there and over to I-77, so  
14 this property will be adjacent to the new Clemson Road.

15 CHAIRMAN VAN DINE: Didn't we just change –

16 MR. GOSLINE: We did, yes.

17 CHAIRMAN VAN DINE: Change that one to C-2 or C-1?

18 MR. GOSLINE: No. The pink one Mr. Lovett got rezoned a year and a half – two  
19 years ago.

20 MR. LOVETT: Correct.

21 MR. GOSLINE: And the other red was zoned within the last year. That was Mr.  
22 Prentiss' property.

23 CHAIRMAN VAN DINE: Yes.

1 MR. GOSLINE: The triangle in red is –

2 CHAIRMAN VAN DINE: The church.

3 MR. GOSLINE: - currently a church. But they are moving over to Killian Road.

4 CHAIRMAN VAN DINE: And that road was going to be decommissioned and  
5 closed, correct? Clemson Road area.

6 MR. GOSLINE: No. Killian Road will stay open but it's function will radically – I  
7 mean, you know.

8 MR. LOVETT: Mr. Chairman, the old portion of Clemson Road will be closed.

9 CHAIRMAN VAN DINE: That's –

10 MR. GOSLINE: Yeah. Oh, right!

11 CHAIRMAN VAN DINE: That's what I was talking about. Left –

12 MR. GREEN: The bearing –

13 CHAIRMAN VAN DINE: Where it bears left.

14 MR. LOVETT: Right.

15 MR. GOSLINE: Right.

16 CHAIRMAN VAN DINE: And that was going to be used as an internal road for  
17 the other development we talked about, whenever that was.

18 MR. GOSLINE: Or it gets abandoned, one or the other, so.

19 CHAIRMAN VAN DINE: Yeah. And do we have Powers-of-Attorney, for lack of a  
20 better word, from all of the property owners?

21 MR. GOSLINE: We have authorizations from everybody, all the property owners.

22 CHAIRMAN VAN DINE: Alright.

1 MR. LOVETT: And, Mr. Chairman, there is no opposition to our request. We  
2 have commercial-grade water and sewer, certified for development at the site.

3 CHAIRMAN VAN DINE: And I was going to note that for everybody so that  
4 maybe – trying to short-circuit another one. We have everybody who’s signed up is part  
5 of the team dealing with the – either that or in favor of the application. Unless anybody  
6 wishes to hear from them, I would propose that we ask questions as opposed to  
7 listening to each individual speak, if you have them.

8 MR. FURGESS: I move that we accept this.

9 MR. GREEN: Second.

10 CHAIRMAN VAN DINE: Is the blue coming off in that narrow, was that the  
11 storage sheds, the new self-storage?

12 MR. GOSLINE: Yes. That’s part of the Mungo PUD, the dark blue up in the top  
13 left corner.

14 CHAIRMAN VAN DINE: Okay. And then the church is a little further up on the  
15 left? Past the end of the property.

16 MR. GOSLINE: Yeah, there’s a church in there and a couple of other things,  
17 right.

18 MR. FURGESS: [Inaudible] There’s Mungo all up in there.

19 CHAIRMAN VAN DINE: The storage units are part of Mungo?

20 MR. GOSLINE: Uh-hum (affirmative).

21 MS. ALMEIDA: Part of the PUD.

1 MR. GOSLINE: Part of the PUD. It was commercial. That long, narrow driveway  
2 looking thing was a commercial strip in the Mungo PUD. Not much else he could do  
3 with it other than grow spaghetti.

4 [Laughter]

5 CHAIRMAN VAN DINE: I know it's 7:30, but - we have a motion to send this  
6 forward with a recommendation of approval and a second. Any further discussion? All  
7 those in favor please signify by raising your hand.

8 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
9 *Palmer, Wyatt]*

10 MR. LOVETT: Thank you, Mr. Chairman and Members of the Commission. We  
11 appreciate it.

12 CHAIRMAN VAN DINE: We apologize to you having to wait this long.

13 MR. LOVETT: That's alright.

14 MR. GOSLINE: Street names.

15 MR. JACKSON: So moved.

16 [Inaudible discussion]

17 MR. MANNING: All street names. I approve all of them.

18 MS. LUCIUS: Lot of birds. Lot of birds.

19 [Laughter]

20 CHAIRMAN VAN DINE: Before we deteriorate too far on this, please remember  
21 we do have additional items that we must discuss very quickly [inaudible]. As far as the  
22 street name approval.

23 MR. FURGESS: I move that we accept all the street names.

1 CHAIRMAN VAN DINE: Do I hear a second?

2 MS. LUCIUS: I second. There's a lot of birds in there. There's a few flowers and  
3 some things I don't recognize. But I second.

4 CHAIRMAN VAN DINE: Motion for approval and a second. All in favor please  
5 signify by raising your hand.

6 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
7 *Palmer, Wyatt]*

8 CHAIRMAN VAN DINE: Alright. We have a text amendment on the Vested  
9 Rights portion. You should have received a copy of the amendment.

10 MR. CRISS: Mr. Chair, this is a proposed amendment to our new Land  
11 Development Code to take effect July 1<sup>st</sup>, 2005, the effective date of the code itself, to  
12 conform to the Vested Rights Act of South Carolina, whose requirements have now  
13 been incorporated into the '94 Planning Act. And our proposal is to pitch the Vested  
14 Rights for new commercial and multi-family and industrial and office-institutional and  
15 other projects to the Land Development Permit that is part of your new Land  
16 Development Code. And we would do that in three places, corresponding to the three  
17 types of land development permits available under the new Land Development Code,  
18 the so-called Compliance Review and the minor and the major. And the same  
19 language, the same paragraph, is proposed for all three places. And I believe you have  
20 strike-through and underlined language to indicate deleted and added words.

21 CHAIRMAN VAN DINE: This, in essence, simply brings it into with state law.

22 MR. CRISS: The Vested Rights Act actually provides for defaults of vesting if the  
23 local government fails to adopt its own requirements.

1 MR. GREEN: This makes us in compliance with state law.

2 MR. CRISS: This puts in conformance.

3 MR. GREEN: So we would [inaudible] -

4 MR. CRISS: By July 1<sup>st</sup>, which is the –

5 MR. GREEN: - a motion to recommend adoption of this by County Council?

6 CHAIRMAN VAN DINE: That would be the –

7 MR. GREEN: Well, I would certainly want to be in compliance with the law  
8 irrespective of whether we enforce it or not.

9 [Laughter]

10 MR. GREEN: So I would move the adoption of – no, that's not – that's not on the  
11 Record.

12 MS. LUCIUS: Yes, it is.

13 MR. GREEN: Yes, it is?

14 [Laughter]

15 MR. MANNING: I've got a question, though, for Michael. At what point do you  
16 refer to subdivision plat?

17 MR. CRISS: Yeah. That's already in your Land Development code. We went  
18 through that debate, as you may recall. And you included language for the vesting of  
19 new subdivisions, engineered subdivisions, the bulk of them that you see here before  
20 you, at the preliminary plat stage. And that language is already in your Land  
21 Development Code.

22 MR. MANNING: Now wasn't there some consideration given to Council that they  
23 would review the sketch plan stage?

1 MR. GREEN: For Council?

2 MR. MANNING: I mean wasn't Council going to review that?

3 MR. CRISS: To move the vesting up.

4 MR. MANNING: To move vesting.

5 MR. CRISS: That was one of the many discussions that took place along the  
6 way. But what was actually adopted was preliminary plat, after the engineering's been  
7 done, which I think is in conformance with the intent of the Vested Rights Act, when the  
8 developer has invested significant sums in the design and, possibly, infrastructure  
9 construction of an office or school or factory or residential subdivision.

10 CHAIRMAN VAN DINE: Do I hear a motion?

11 MR. GREEN: So moved.

12 CHAIRMAN VAN DINE: Move to send this forward with a recommendation for  
13 adoption. That was the motion. Do I hear a second?

14 MS. LUCIUS: Second.

15 MR. FURGESS: Second.

16 CHAIRMAN VAN DINE: I have a motion and a second. Any objection? Any  
17 discussion? All those in favor please signify by raising your hand. So moved.

18 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
19 *Palmer, Wyatt]*

20 MR. FURGESS: Mr. Chairman, may I ask you a question, please?

21 CHAIRMAN VAN DINE: [Inaudible] – you are –

22 MR. GREEN: Earl wanted to leave so she had to say is what it is.

23 MS. LUCIUS: We're not through, yet.

1 AUDIENCE MEMBER: And that's a first.

2 [Laughter]

3 CHAIRMAN VAN DINE: How about that.

4 MR. FURGESS: Can I ask her a question, the attorney?

5 CHAIRMAN VAN DINE: Yes, please. How many times we can defer a client, a  
6 person that comes in?

7 MS. LINDER: I do not know of any limits on the number of deferrals that you can  
8 do, but I could research that for you. I'm not familiar right now. I don't believe there are  
9 any but I could be wrong. I'd have to look into that.

10 CHAIRMAN VAN DINE: You can't stonewall somebody by deferrals though. If it  
11 looks to be a pattern that has no basis for it, I think the answer is that you can't do it.  
12 Ultimately you have to have a reason for the deferral, some reason other than "I just  
13 don't want to deal with it."

14 MR. GOSLINE: I believe our rules of procedure have after two deferrals the  
15 Commission can act – this is – I'm not sure if that includes zoning, but the Commission  
16 can go ahead and act with or without the consent of the applicant.

17 MS. LUCIUS: I think this came up in response to that private drive subdivision  
18 that we've deferred twice, now.

19 MR. FURGESS: Right. I just wanted to know how many times do we have to –

20 MS. LUCIUS: Is there a limit on the number of times we can keep deferring it?

21 CHAIRMAN VAN DINE: I will certainly defer to Legal, but from my understanding  
22 it is –

23 MR. GOSLINE: No pun intended.

1 CHAIRMAN VAN DINE: My understanding is, as long as there is a basis for the  
2 deferral in which information is continually being gathered, it's as if we don't have a  
3 completed application before us. And so, therefore, we would have – we would be  
4 allowed to defer.

5 MS. LUCIUS: Okay. As long as you –

6 MS. LINDER: “Two consecutive deferrals by the Commission or the Zoning  
7 Administrator or combination thereof will constitute a withdrawal and will be subject to  
8 withdrawal requirements described above.” I don't believe that there's any time delay in  
9 subdivisions. But I would defer to Planning Staff on when they would want the applicant  
10 to get their material in to them.

11 MR. FURGESS: Thank you.

12 CHAIRMAN VAN DINE: Alright. Other Business.

13 MR. MANNING: Mr. Chairman, can I ask one other question on –

14 CHAIRMAN VAN DINE: Certainly.

15 MR. MANNING: - the issue of vesting. Michael, when you have a plat,  
16 preliminary plat that's been approved, are you saying that it's only going to be valid for  
17 two years?

18 MR. GOSLINE: That's the way it is now.

19 MS. ALMEIDA: You have five extensions.

20 MR. MANNING: Excuse me?

21 MS. ALMEIDA: Five extensions.

22 MR. CRISS: There are five, one-year extensions on the Land Development  
23 Permits but not on the subdivision plats. Indeed, the vesting of the subdivision plats is

1 actually optional under the Vested Rights Act. But you chose to incorporate that in the  
2 original Land Development Code forwarded to County Council.

3 MR. MANNING: If the preliminary plat was approved and construction wasn't  
4 started for 18 months, then it was started, are you then vested once the construction -

5 MR. CRISS: If no work has been done on the site? Is that your concern?

6 MR. MANNING: [Inaudible]. Well, say before the two-year period work begins.

7 MR. CRISS: Oh! Yeah. Sure.

8 MR. MANNING: And then at that point it's vested.

9 MR. CRISS: Yeah.

10 MR. MANNING: And then it goes on out infinitum.

11 MR. CRISS: You could be in trouble, yeah, if you got your engineering plans  
12 approved, preliminary plat approved – doesn't get recorded, of course – and you don't  
13 do a thing on site.

14 MR. GOSLINE: If you're concerned about Green Hill Parrish, it's – yeah.

15 MR. MANNING: No, I'm just in general.

16 MR. CRISS: Preliminary plat would go void, so you do want to start your work.

17 MR. GOSLINE: But, see. Just for everybody, currently that's in the current code  
18 that you have a two-year approval. We've got a bunch of projects that got preliminary  
19 plans approved and need to be weeded out soon as I get time to do that. But you have  
20 to – in all those cases they're done nothing.

21 MR. MANNING: Alright.

22 MR. GOSLINE: That's not really any different than what we've got now.

23 MR. CRISS: Legal issues, financial.

1 MR. MANNING: Sorry.

2 CHAIRMAN VAN DINE: No problem. Under our Other Business, Submission  
3 Deadline.

4 MS. ALMEIDA: You should have received a memo from Staff indicating what our  
5 existing deadlines are. Our proposed zoning map amendments in the new code, as of  
6 July 1<sup>st</sup>, clearly states that when the application is submitted you have 15 days to  
7 determine whether the application is acceptable. And it clearly states Staff is to put the  
8 map amendment on the first available agenda. So that would mean a pretty short  
9 timeframe. It might be within 30 days of submission. So, the 45 day, as we all  
10 discussed, would be acceptable. The PDDs are subject to a 15 day review period. And  
11 then within those 30 days it's brought to the Development Review Team. And then it  
12 subsequently, within the next 30 days, needs to come to the Planning Commission. So  
13 it is a 60 day – it can be a 60 day process. So the 45 days really wouldn't mean  
14 anything to that PDD submission. But it would make an impact on the map  
15 amendments.

16 CHAIRMAN VAN DINE: So we don't have anything before us right now. It's just  
17 you're making a recommendation or what are we -

18 MS. ALMEIDA: Right. It was the separate handout that was submitted with the  
19 first delivery.

20 MR. GREEN: Is this 248 of our package we're talking about? The change on  
21 page 248? Application Deadlines.

22 MS. ALMEIDA: Was that part of it?

23 MR. GREEN: In our bound package.

1 MS. ALMEIDA: Oh, yes! It did make it in there.

2 MR. JACKSON: 244.

3 MS. LUCIUS: I thought it was 244.

4 MS. ALMEIDA: It starts at 244. That's my memo. And then the actual – that's  
5 right.

6 MR. GREEN: The actual language [inaudible] procedures on 248.

7 MS. ALMEIDA: The actual language begins on 246.

8 CHAIRMAN VAN DINE: I was taking that as being Other Business B, as being a  
9 separate. So are those two really the same?

10 MS. ALMEIDA: Yes. This is the actual language on page 246, which are part of  
11 your Rules and Procedures.

12 MR. JACKSON: That's the only difference?

13 MS. ALMEIDA: Yes. That we could see from the new code to the existing code.  
14 And, of course, we would recommend – Staff would recommend that this be  
15 implemented. Michael, what did we say? May or June?

16 MR. CRISS: Well, we were saying – yeah. Maybe May 15<sup>th</sup>. Give folks  
17 adequate –

18 MS. ALMEIDA: Some time.

19 MR. CRISS: - time to -

20 CHAIRMAN VAN DINE: With the changes that are made in our – does that have  
21 any impact upon the Land Development Code that's being proposed as far as time of  
22 deadlines?

1 MS. ALMEIDA: Well, that's what I just discussed. With the new Land  
2 Development Code, the regular map amendments just purely state 15 days to review for  
3 completeness. And then it needs to be put on the first available Planning Commission  
4 meeting. The PDDs, which are what we presently call a PUD – it will have a different  
5 nomenclature. It'll be PDD. Those clearly state that they're submitted, reviewed for  
6 completeness within 15 days, and then within the first 30 days they must be put on a  
7 DRT meeting, a Development Review Team meeting. And then within the next 30 days  
8 must be brought before you. So it can be a 60 day process. So really this change, or  
9 request for implementation, really wouldn't – what am I trying to say – really wouldn't  
10 make a difference in that specific PDD. And, of course, it would probably effect  
11 subdivisions and some site plans.

12 CHAIRMAN VAN DINE: Can we do this through our rules? Because it sounds to  
13 me like we're then – we're trying to change the Land Development Code through our  
14 rules. And I'm not sure we can just submit our rule on how we do things unless the  
15 Land Development Code is in compliance with that. Do you see what I'm getting at?

16 MR. CRISS: Of course, your Rules of Procedure now govern deadline  
17 submission, deadlines for submissions, as long as any changes are not in conflict with  
18 the new Land Development Code.

19 CHAIRMAN VAN DINE: Is this change – has it been reviewed to see whether or  
20 not it would be in conflict with any of the new provisions?

21 MS. ALMEIDA: Well, we've looked at the map amendments and the specific PDD  
22 amendment for those map amendments. That's what we were talking about. The  
23 general map amendment, not inclusive of the PDD, just basically states in the Land

1 Development Code that you have 15 days to deem it complete for review and then you  
2 put it on the next available Planning Commission meeting.

3 MR. CRISS: So that the wording is generic enough in the Land Development  
4 Code –

5 MS. ALMEIDA: Correct.

6 MR. CRISS: - to accommodate the specificity of your Rules of Procedure. You're  
7 trying to give us more time to get these agendas prepared and out to you.

8 MS. ALMEIDA: But in the PDD it's specific as far as a timeline. It wouldn't  
9 accommodate this change. It would actually give Staff a little more time that you all are  
10 allowing us. But we can evaluate everything that comes before you.

11 MR. GREEN: I'm just like you, Howard. I want to make sure that we're not  
12 setting up a rule that's in conflict with the new Land Development Code, which is the  
13 document people are going to go to to refer to what their requirements are for filing.  
14 And as long as – I'm not quite clear on why we need this rule. We already have a rule  
15 in the Land Development Code.

16 MR. CRISS: Well, your deadline for submittals has traditionally been in your  
17 Rules and Procedures. So that's what we're proposing to change. The Land  
18 Development Code doesn't tell you with that specificity what the calendar is for the year.  
19 We wouldn't want to put this into effect before May 15<sup>th</sup>, at the earliest, for the July  
20 Planning Commission meeting.

21 CHAIRMAN VAN DINE: I guess I don't have a problem doing it provided it does  
22 not have any kind of impact or is contrary to anything in the Land Development Code.  
23 So, to the extent that it is agreed by everybody to do this, I think we would need to have

1 verification before it actually took effect that it wouldn't be anything contrary to the new  
2 code.

3 MR. CRISS: Okay. And we were thinking of disseminating some kind of  
4 memorandum or other notice to the development community, Homebuilders Association  
5 web site.

6 MR. GREEN: What would be really great is that calendar that you have that says  
7 when the Planning Commission meets and the submission deadline is.

8 MR. CRISS: Do a chart, perhaps?

9 MR. GREEN: A chart that somebody –

10 MR. CRISS: For the rest of the year?

11 MR. GREEN: For the rest of the year that's there, you know. That spells out  
12 what you've got to do by when to make a meeting.

13 MR. CRISS: That's a good idea. Might be the simplest way to explain it. Submit  
14 by this date to get on this Commission.

15 MR. GREEN: Right, because that's straightforward.

16 CHAIRMAN VAN DINE: What's everybody's thought about this particular one?  
17 Do we want to change our rules to accommodate this? And, if so, somebody needs to  
18 make a motion to that effect.

19 MR. MANNING: This only applies to PDD?

20 MR. JACKSON: No, just –

21 MR. CRISS: For all submissions.

22 MS. ALMEIDA: Submissions.

23 MS. LUCIUS: Are we going to wait and let them make sure it doesn't conflict?

1 CHAIRMAN VAN DINE: Well, I think if they're to deal with it on May 15<sup>th</sup>, then I  
2 think what they're looking for is approval now contingent upon –

3 MR. CRISS: No conflicts.

4 CHAIRMAN VAN DINE: - getting that verification and then it would not become  
5 effective until that May 15<sup>th</sup>.

6 MR. CRISS: We could consult with the Assistant County Attorney –

7 MS. ALMEIDA: Um-hum (affirmative).

8 MR. GREEN: Okay.

9 MR. CRISS: - to get that determination.

10 MS. LUCIUS: I think it's a good idea.

11 MR. GREEN: I second that motion.

12 CHAIRMAN VAN DINE: Is that a motion?

13 MS. LUCIUS: I'll make a motion that – okay. I don't know. I don't even know if I  
14 can speak. Make a motion that we are to change our Rules and Procedures to – and  
15 I've already put my page up. Help me.

16 CHAIRMAN VAN DINE: The language that 2 –

17 MR. GREEN: Section 4 of the Rules and Procedures.

18 CHAIRMAN VAN DINE: Section 4 of our Rules and Procedures, which is found  
19 on page 248.

20 MR. CRISS: Section 4 of Article 2, if I may.

21 CHAIRMAN VAN DINE: Section 4 of Article 2.

22 MS. LUCIUS: That's my motion. What he just said.

23 CHAIRMAN VAN DINE: Subject to your verifying that it does not have –

1 MS. LUCIUS: Right.

2 CHAIRMAN VAN DINE: - contrary to the Land Development Code.

3 MS. LUCIUS: Right.

4 CHAIRMAN VAN DINE: I'll second it [inaudible]. Any further discussion? All  
5 those in favor please signify by raising your hand.

6 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
7 *Palmer, Wyatt]*

8 CHAIRMAN VAN DINE: Alright. One last issue before we go, and I suggest that  
9 we wait; Mr. Palmer was the one that wanted to bring this up, that we hold this until our  
10 next meeting. But it's on our agenda.

11 MS. ALMEIDA: Well, I can brief you. Just - here's a very simple explanation.  
12 Administration would like County Council to have the first look at the applications. And  
13 tomorrow is the first County Council meeting after the April 1<sup>st</sup> deadline.

14 CHAIRMAN VAN DINE: Are these manuals to be presented to County Council  
15 tomorrow?

16 MS. ALMEIDA: The Design Manual is in a very, very draft form. But the  
17 applications are in pretty good, ready-to-go shape.

18 CHAIRMAN VAN DINE: The issue that was brought up is a request by the  
19 Homebuilders Association to delay implementation until those manuals could be  
20 reviewed and/or approved. But since he's not here at this point in time, I suggest that  
21 we wait. If the issue is still out there next month, then we put it on our agenda.

22 MR. GREEN: Am I correct in that Council actually passed some language with  
23 regard to those manuals –

1 CHAIRMAN VAN DINE: Yes.

2 MR. GREEN: - in [inaudible] of timing. And, really, it's a Council issue more that  
3 our issue.

4 MS. ALMEIDA: That's correct.

5 MR. GREEN: It's not –

6 MS. ALMEIDA: And it was just for review.

7 MR. GREEN: Okay.

8 CHAIRMAN VAN DINE: I don't think it was to take any action.

9 MR. MANNING: Didn't the Council, though, say that they would have an  
10 economic impact study done [inaudible]?

11 MS. ALMEIDA: And that has done. Yes.

12 MR. CRISS: That was done separately.

13 MS. ALMEIDA: That was complete. The Storm Water Management Manual is  
14 not our purview. That would be Public Works.

15 MR. MANNING: Right. But the other manuals, could you provide us with as soon  
16 as possible so that, you know, we know what we're approving for the next - when the  
17 new code goes into effect?

18 MS. ALMEIDA: Um-hum (affirmative).

19 MR. MANNING: As soon as possible.

20 MR. CRISS: Alright, the Planning Director's Report, dates to remember, you've  
21 got a handout on the Neighborhood Planning Conference, Saturday, April 16<sup>th</sup>. Hope  
22 you'll be there, especially for the round table at the end. Take some of those questions  
23 from interested neighborhood leaders around the county. The other handout is the only

1 authorized, to date, continuing education, if you will, for planning and zoning officials  
2 and employees under the Land Use Dispute Resolution Act, which was incorporated  
3 into the Planning Act. In other words, you folks, as Planning Commissioners, have to  
4 get six hours of training - certified, authenticated training – before January 1<sup>st</sup> of 2006 -  
5 and then three hours per year, thereafter. And South Carolina Association of Counties  
6 is providing that first six hours free, if you can attend. SCETV Studios will be satellite  
7 telecasting from their Columbia facilities. You could be part of that audience. And there  
8 may be other viewing sites available, here, in the Columbia region. One other date, no  
9 handout yet, May 6, a Friday, got the Congaree National Park reserved for Planning 101  
10 for County Council and Planning Commission. And I'm trying to assemble an agenda  
11 and budget, which I'll share with you as soon as I get it, from Clemson faculty. May 6<sup>th</sup>.  
12 Friday. 9:00 to 3:00.

13 CHAIRMAN VAN DINE: I hate to do this. How'd you like to put something like an  
14 e-mail to everybody –

15 MR. CRISS: I'll do that.

16 CHAIRMAN VAN DINE: That says these dates. Because, frankly, I'm packing  
17 some things away and my brain isn't functioning right now.

18 MR. CRISS: Would that help for all of you? Email and then have it. Okay.

19 CHAIRMAN VAN DINE: I move we adjourn.

20 MR. CRISS: We'll include all dates.

21 MS. LUCIUS: Second.

22 MR. CRISS: Congratulations.

23 CHAIRMAN VAN DINE: So moved.

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MR. GOSLINE: Get ready folks, next month's -

*Adjourned: 7:35 p.m.*